


Canada. Parliament Legislative Assembly

Debate

1843 1 3



Digitized by the Internet Archive
in 2021 with funding from
University of Toronto

<https://archive.org/details/31761114651995>

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume III

1843



DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

General Editor
Elizabeth Nish

DEBATES OF THE LEGISLATIVE
ASSEMBLY OF
UNITED CANADA

Volume III
1843

Edited by
Elizabeth Nish

PRESSES DE L'ECOLE DES HAUTES ETUDES COMMERCIALES
5255, avenue Decelles, Montréal 250, Québec

DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA
1841-1867

Published under the direction of the
Centre d'Etude du Québec
and the
Centre de recherche en histoire économique du Canada français

CENTRE D'ETUDE DU QUEBEC
Room 462-11, Sir George Williams University
Montreal 107, Quebec

Director : *Cameron Nish*
Associate Director : *Jean Hamelin*
Research Director : *Elizabeth Nish*
Administrative Director : *Ian Campbell*

CENTRE DE RECHERCHE EN HISTOIRE ECONOMIQUE
DU CANADA FRANCAIS
5255, avenue Decelles
Montréal 250, Québec

Directeur : *Pierre Harvey*
Directeur de la recherche : *Cameron Nish*

Research for this volume, as for the previous ones, was substantially supported by Canada Council. The publication of Volume III was rendered possible with the help of a grant from the Social Science Research Council of Canada and the Humanities Research Council of Canada, using funds provided by the Canada Council. Publication costs were also supported by the "Ministère des Affaires Culturelles du Québec".

INTRODUCTION

The Introduction to the first Volume of this series, DEBATES OF THE LEGISLATIVE ASSEMBLY OF UNITED CANADA, 1841, included a history of parliamentary reporting in Britain, Upper and Lower Canada, and of course Union Canada. Parliamentary reporting was both an institution inextricably bound up with Parliament, and a profession under the patronage of the commercial Press. Its constitutional and practical development was traced, including the influences of the ancestral British system upon its derivative Canadian transplants. In the Chapters dealing specifically with the Canadas, the local conditions which in their turn modified the original British model were discussed in detail. The most important of these were: the bilingualism of the Lower and United Canada Legislatures; the poverty of Canadian editors and the small size of their newspapers; the political biases of parliamentary reporters who also lacked stenographic skills; and poor accommodations and worse acoustics in the House. The result of all this was that on the whole, Canadian parliamentary reporters were limited to providing third person summaries of the speeches. Essentially, parliamentary reporting was a politically-oriented profession which was also an integral part of the world of journalism.

All kinds of data about parliamentary reporting as an institution and as a profession were considered: the policies of its newspaper patrons; its techniques; the skills and foibles of its personnel; and the problems such as accommodation faced by the reporters. The other record of parliamentary proceedings, the official JOURNALS, was also analysed. On the basis of this analysis of reports and JOURNALS, a methodology was elaborated which involved collating the reports and integrating them into the JOURNALS.* The object of that methodology was to produce a verisimilar record of the parliamentary debates and proceedings. Since verbatim reporting was virtually unknown, verisimilitude was the only possible goal. Various problems were anticipated and their solutions incorporated into the methodology. Each methodological step was explained and then implemented, thus producing the Canadian HANSARD.

The theoretical methodology remains unchanged for reconstructing the debates of the years following 1841, with only some changes in practical application. The most important change from one year to the next is in the basic material, the newspapers containing the parliamentary reports. Thirteen newspapers were consulted for 1843, the chief characteristics of which are described in the following table.

*In this way the entire text of the JOURNALS is reproduced in the reconstructed HANSARD. Also included are references to Appendices to the JOURNALS, although these Appendices, often volumes long, are not reproduced in this work, nor mentioned in our Index.

Employer	Section	District	Language	Political Orientation	Special M.P.'s	Completeness of Reports in Microfilm	Frequency of Distribution	Average Number of Columns devoted to Assembly per Issue	Completeness of Reports	Accuracy	Person Reported in Reports	Origin of Reports	Amount of Commentary on Legislative Debates Usefulness	Coverage Given to Legislative Council
L'AUBE	L.C.	Montreal	French	French Canadian Ministerial	D.B. Viger, D.B. Papineau	Very	Three times weekly, Tuesday, Thursday, Saturday	3 to 4	Sketchy but quite good reports	A	Third, special speeches first	Original	A	Frequently, first paragraph of parliamentary report
MATHURST OUTIER	U.C.	Bathurst	English	Reform	Nelson Cameron	A few issues missing	Weekly, Tuesday	4	Edited version of verbatim copy of papers: KINGSTON CHRONICLE, CHRONICLE, GREVILLE, MONTREAL FRANCHISE, etc.	A	Third	Copied	Frequently, 3 columns	
BRITISH COLUMBIA	U.C.	Toronto	English	Moderate Conservative	-	Very	Twice weekly, Wednesday, Saturday	2 to 3	Excellent	A	Third	Original, often produced in collaboration with Montreal Gazette	B	Frequently and fully, 2 to 4 columns
ROCKVILLE REORDER	U.C.	Johnston, Eastern and Bathurst	English	Reform	Upper Canada Reformers, much as Malcolm McNair, James Borliff	Very	Weekly, Thursday	7 to 10	Adequate for Upper Canada	A	First, third	Copied, usually from Kingston Chronicle, sometimes from Montreal Herald, or British Colonist	B plus	Rarely
LE CANADEN	L.C.	Quebec	French	French Canadian moderate Reform, Ministerial	French Canadian members from District of Quebec	Very	Three times weekly, Monday, Wednesday, Friday	3	Adequate for Lower Canada	A	First, third	Some original, some copied	B plus	Occasionally, 1 to 4 columns
ELANER	U.C.	Toronto	English	Reform	Upper Canada Reform members	Very	Once weekly, Wednesday	1 to 10	Quite good	A	First, third	Usually copied	A	Frequently, 4 columns
LE JOURNAL DE QUEBEC	L.C.	Quebec	French	French Canadian Reform	French Canadian Reformers, such as L.H. Levesque and A.N. Morin	Very	Three times weekly, Tuesday, Thursday, Saturday	3 to 4	Very good for Lower Canada	A	First, third	Some original, some copied from Le Minutier, Le Service Constitutionnel	A	Rarely
KINGSTON CHRONICLE	U.C.	Seat of Government	English	Very moderate Conservative	-	Very	Twice weekly, Monday, Wednesday, Saturday	7	Excellent	A	First, third	Original	B	Frequently, 1 to 12 columns
LA MINERVE	L.C.	Montreal	French	French Canadian Reform	L.H. LaFontaine	Very	Three times weekly, Monday, Thursday, Saturday	3 to 7	Very good, especially for Lower Canada	A	Third, special speeches as first	Original, sometimes copied	A	Frequently, 1 to 2 columns
MONTREAL GAZETTE	L.C.	Montreal	English	Montreal urban Conservative	Benjamin Holmes, Ministerial Lower Canadian members	A few issues missing	Daily, except Sunday	3	Excellent	A	Third	Original, often in collaboration with British Colonist	A	Regularly, 2 to 3 columns
MONTREAL TRANSCRIPT	L.C.	Montreal	English	Montreal urban Conservative	Ministerial Lower Canadian members	Several issues missing	Three times weekly, Tuesday, Thursday, Saturday	2 to 4	Concise but very good reports	A	Third	Some original, some copied, in collaboration with Montreal Gazette	A	Occasionally, 1 column
ST. CATHARINES JOURNAL	U.C.	Niagara Peninsula	English	Moderate Reform	William Hamilton Merritt	Very	Weekly, Thursday	3 to 4	Edited version of excellent accounts	A	Third, special speeches as first	Copied from British Colonist, Examiner, Kingston Chronicle, Montreal Herald, and other Upper Canada papers	C plus	Never

The reasons for including such newspapers as the BATHURST COURIER, the BROCKVILLE RECORDER and the ST. CATHARINES JOURNAL were explained in detail in the Introduction to Volume I. Briefly, they printed parliamentary reports collated from various available sources. Thus they provide a check against missing debates from single issues or even entire newspaper runs which have not been preserved.

The technique used to footnote the collated debates does more than identify the sources from which material was drawn. The footnotes also explain any variations in the methodology, and give certain details useful for understanding the debates. There are five main rules for footnotes. 1) The transcribed text of each speaker's words is identified. When alternate texts are presented, the sources for each text are given. When a single speech has been reconstructed from reports in more than one newspaper, the source of each specific portion of the speech is identified. 2) All alternate sources which have been consulted but not selected are noted, except for reports which just copied the JOURNALS. Included in the alternate sources mentioned are those papers whose reports were either copied, edited or paraphrased from another paper, with the original source noted. 3) Commentaries on the debate in question are noted, and in a few cases, are transcribed verbatim. 4) The footnotes include any additional information necessary to explain the methodology adopted in dealing with situations which do not conform to any of the models described. 5) One of this project's fundamental assumptions is that the JOURNALS' account of proceedings was correct though not always complete. However, there are occasional discrepancies between the JOURNALS and the newspaper reports. These discrepancies are always noted. For example, sometimes the names of movers and seconders are different in the newspapers and the JOURNALS. In these cases the names cited by the newspaper are listed in a footnote.

The Appendices to each day's proceedings are entirely supplementary to the JOURNALS. The Appendices contain: 1) notices of proposed motions, petitions and bills; 2) debates on withdrawn motions; and 3) questions and answers. A substantial part of the Appendices consists of notices of motions. Debates on withdrawn motions are more interesting because they appear nowhere in any official record, whereas the measures of which notice was given appear later in the JOURNALS as a normal part of the legislative activity. The third category in the Appendices is for questions and answers. Despite their importance, they were not recorded in the JOURNALS unless incorporated into a formal motion or address. All questions and answers reported in the newspapers are included in the Appendix for the appropriate day.

The format for Volume III is different from that of the two preceding Volumes only in that it has been typed instead of printed. This has necessitated a few technical changes. Bold-faced print has been replaced by capitalization; italics by solid underlining. The debates and JOURNALS are distinguished from each other not by indenting the JOURNALS, but by reproducing them in an italic script, very different in appearance from the regular elite characters used for typing the reconstructed debates.

The other technical forms remain unchanged: 1) The spelling of speakers'

names at the opening of each individual speech has been standardized. Changes from the spelling in the newspaper are not noted. The names most commonly misspelled in newspapers are McNab, Macnab, M'Nab instead of MacNab; Johnson instead of Johnston; Simson instead of Simpson; Doran instead of Durand; and Vigar instead of Viger. All spelling of names within a speech is left unchanged, however. 2) Whenever a member is reported to have spoken in English or in French, this fact is noted. For example, "Mr. Viger (in French)", whether or not there exists a report of the speech in the language of delivery. 3) A system of double pagination is used. The parenthesized page numbers on the left-hand side refer to the page of the JOURNALS while the centred number is our own. 4) Three of the newspapers are referred to in abbreviated form, the KINGSTON CHRONICLE AND GAZETTE as the KINGSTON CHRONICLE, the ST. CATHARINES AND PORT ROBINSON JOURNAL as the ST. CATHARINES JOURNAL, and L'AUREOLE DES CANADAS as L'AUREOLE. 5) The various parentheses used in the newspapers are represented in our text by (). 6) Double parentheses always contain our own comments, explanatory notes or suggestions. Only the word "sic" is contained within a single parenthesis. 7) Words such as "expence", "controul", "surprize", and "tems" which were misspelled as often as not, are reproduced without the word "sic". 8) When for the sake of clarity we must interpolate a word, we stay as close as possible to the usual style of the newspaper. 9) When it is necessary to reconstruct a sentence from excerpts drawn from more than one source, the problem of punctuation becomes acute. The strict application of ellipsis, added to the necessary footnote number, is both unwieldy and difficult to assimilate at first reading. As a result, another means of expressing the ellipsis had to be devised. A simple method was adopted, which is also used in sentences which are not reproduced in full, but are cut off before the end. Appropriate punctuation integrates the various excerpts, replacing the awkward ellipses. This editorially imposed punctuation is indicated by the simple expedient of placing the footnote reference immediately following the text, but before our punctuation. Conversely, whenever a footnote follows punctuation, that punctuation has been reproduced from the text of the newspaper. For example, the sentence "SIR ALLAN MACNAB said that he would go to town...¹ he meant to the town of Three Rivers...² as soon as possible...³ becomes "SIR ALLAN MACNAB said that he would go to town¹, he meant to the town of Three Rivers², as soon as possible³.

The style and methodology are designed in all ways to achieve the goal of a verisimilar account of the debates of the Legislative Assembly. The texts are completely unretouched; even grammatical and spelling errors remain uncorrected. One of the reasons for this decision to sacrifice style to fidelity was that the reader or student can best use his own judgment if he has the original material before him. He can then decide how to use the material: he can reproduce it exactly, or he can edit it and improve upon its style in whatever way he judges most appropriate. The only editing imposed upon the work was never for purposes of literary style, but only to render collated passages less disjointed, truncated and confusing. The criterion was never that a passage was awkwardly phrased,

but rather that it was incoherent. For example, even the habitual tense changes were never altered to make them consistent so that not infrequently speakers in one debate are reported each in a different tense. In a fairly typical debate, " Sir Allan MacNab thinks" while "Captain Steele said" and "Mr. Cooke had opposed." The real editing work occurred in the earlier stage of the work, when the passages here reproduced as the reconstructed debates were selected. Therefore all elegancies of language are gratuitous and such texts were invariably selected for content and not because of the felicity with which they were expressed.

This manuscript was typed in its final form by Miss Halina Monkiewicz, assisted by Mrs. Livia Sternstein and Miss Joan Galbraith. Miss Irene Bilas, Mrs. Elaine Naves and Mr. George Bayne also assisted in the production of this volume. The following pages are a testimony to their careful labour and patience.

EXECUTIVE COUNCILLORS
AND THEIR POSITIONS

FIRST PARLIAMENT - THIRD SESSION
28 September 1843 to 9 December 1843

AYLWIN, Thomas Cushing	
Member of the Executive Council:	24 Sept. 1842 to 27 Nov. 1843
Solicitor General, L.C.:	24 Sept. 1842 to 11 Dec. 1843
BALDWIN, Robert	
Member of the Executive Council:	16 Sept. 1842 to 27 Nov. 1843
Attorney General, U.C.:	17 Sept. 1842 to 11 Dec. 1843
DALY, Dominick	
Member of the Executive Council:	13 Feb. 1841 to 10 Mar. 1848
Provincial Secretary, L.C.:	10 Feb. 1841 to 31 Dec. 1843
Member of the Board of Works:	21 Dec. 1841 to 8 June 1846
DUNN, John Henry	
Member of the Executive Council:	13 Feb. 1841 to 27 Nov. 1843
Receiver General:	10 Feb. 1841 to 31 Dec. 1843
HARRISON, Samuel Beale	
Member of the Executive Council:	13 Feb. 1841 to 30 Sept. 1843
Provincial Secretary, U.C.:	10 Feb. 1841 to 30 Sept. 1843
Member of the Board of Works:	21 Dec. 1841 to 3 Oct. 1844
HINCKS, Francis	
Member of the Executive Council:	9 June 1842 to 27 Nov. 1843
Inspector General:	9 June 1842 to 11 Dec. 1843
KILLALY, Hamilton Hartley	
Member of the Executive Council:	17 Mar. 1841 to 27 Nov. 1843
Chairman of the Board of Works:	21 Dec. 1841 to 8 June 1846
LAFONTAINE, Louis Hippolyte	
Member of the Executive Council:	16 Sept. 1842 to 27 Nov. 1843
Attorney General, L.C.:	16 Sept. 1842 to 11 Dec. 1843
MORIN, Augustin Norbert	
Member of the Executive Council:	13 Oct. 1842 to 27 Nov. 1843
Commissioner of Crown Lands:	13 Oct. 1842 to 11 Dec. 1843
SMALL, James Edward	
Member of the Executive Council:	26 Sept. 1842 to 27 Nov. 1843
Solicitor General, U.C.:	26 Sept. 1843 to 11 Dec. 1843

SULLIVAN, Robert Baldwin

Member of the Executive Council:	13 Feb. 1841 to 27 Nov. 1843
President of the Executive Council:	10 Feb. 1841 to 11 Dec. 1843
Member of the Legislative Council:	9 June 1841 to 30 May 1851

MEMBERS OF THE LEGISLATIVE ASSEMBLY
AND THEIR CONSTITUENCIES¹

Armstrong, David Morrison.....Berthier, L.C.
Aylwin, Thomas Cushing.....Portneuf, L.C.
Baldwin, Robert.....Rimouski, L.C.
Barthe, Joseph Guillaume.....Yamaska, L.C.
Beaubien, Pierre.....Montreal, City, L.C.
Berthelot, Amable².....Kamouraska, L.C.
Black, Henry.....Quebec, City, L.C.
Boswell, George Morss.....Northumberland, South Riding, U.C.
Boulton, Henry John.....Niagara, Town, U.C.
Bouthillier, Thomas³.....St. Hyacinthe, L.C.
Cameron, Malcolm.....Lanark, U.C.
Cartwright, John Solomon.....Lennox and Addington, U.C.
Chabot, Jean.....Quebec, City, L.C.
Chesley, Solomon Youmans.....Cornwall, U.C.
Child, Marcus.....Stanstead, L.C.
Christie, Robert.....Gaspé, L.C.
Cook, John.....Dundas, U.C.
Crane, Samuel.....Grenville, U.C.
Cuvillier, Austin.....Huntingdon, L.C.
Daly, Dominick.....Megantic, L.C.
Derbshire, Stewart.....Bytown, U.C.
DeWitt, Jacob.....Leinster, L.C.
Duggan, George R.....York, Second Riding, U.C.
Dunlop, William.....Huron, U.C.
Dunn, John Henry.....Toronto, City, U.C.
Durand, James.....Halton, West Riding, U.C.
Forbes, C. John.....Two Mountains, L.C.
Foster, Stephen Sewel.....Shefford, L.C.
Franchère, Timothée.....Rouville, L.C.
Gilchrist, John.....Northumberland, North Riding, U.C.
Hale, Edward.....Sherbrooke, Town, L.C.
Hamilton, John Robinson.....Bonaventure, L.C.
Harrison, Samuel Bealey.....Kingston, City, U.C.
Hincks, Francis.....Oxford, U.C.
Holmes, Benjamin.....Montreal, City, L.C.
Hopkins, Caleb.....Halton, East Riding, U.C.
Jobin, André.....Montreal, County, L.C.
Johnston, James.....Carleton, U.C.
Jones, Robert.....Missisquoi, L.C.
Judah, Henry.....Champlain, L.C.
Killaly, Hamilton Hartley⁴.....London, Town, U.C.
Lacoste, Louis.....Chambly, L.C.
LaFontaine, Louis Hippolyte.....York, Fourth Riding, U.C.
Leslie, James.....Verchères, L.C.
Macdonald, John Sandfield.....Glengarry, U.C.
MacNab, Allan Napier.....Hamilton, City, U.C.

McCulloch, Michael.....	Terrebonne, L.C.
McDonald, Donald.....	Prescott, U.C.
McLean, Alexander.....	Stormont, U.C.
Merritt, William Hamilton.....	Lincoln, North Riding, U.C.
Moffatt, George ²	Montreal, City, L.C.
Moore, John.....	Sherbrooke, County, L.C.
Morin, Augustin Norbert.....	Saguenay, L.C.
Morris, James.....	Leeds, U.C.
Murney, Edmund.....	Hastings, U.C.
Neilson, John.....	Quebec, County, L.C.
Noel, Jean Baptiste Isaie.....	Lotbinière, L.C.
Papineau, Denis Benjamin.....	Ottawa, County, L.C.
Parke, Thomas.....	Middlesex, U.C.
Powell, Israel Wood.....	Norfolk, U.C.
Price, James Hervey.....	York, First Riding, U.C.
Prince, John.....	Essex, U.C.
Quesnel, Frédéric Auguste.....	Montmorency, L.C.
Roblin, John P.....	Prince Edward, U.C.
Sherwood, George.....	Brockville, U.C.
Sherwood, Henry.....	Toronto, City, U.C.
Simpson, John.....	Vaudreuil, L.C.
Small, James Edward.....	York, Third Riding, U.C.
Smith, Harmanus.....	Wentworth, U.C.
Smith, Henry.....	Frontenac, U.C.
Steele, Elmes.....	Simcoe, U.C.
Stuart, William.....	Russell, U.C.
Taché, Etienne Paschal.....	L'Islet, L.C.
Taschereau, Antoine Charles.....	Dorchester, L.C.
Thompson, David.....	Haldimand, U.C.
Thorburn, David.....	Lincoln, South Riding, U.C.
Turcotte, Joseph Edouard.....	St. Maurice, L.C.
Turgeon, Abraham.....	Bellechasse, L.C.
Viger, Denis Benjamin.....	Richelieu, L.C.
Viger, Louis Michel.....	Nicolet, L.C.
Wakefield, Edward Gibbon.....	Beauharnois, L.C.
Watts, Robert Nugent.....	Drummond, L.C.
Williams, John Tucker.....	Durham, U.C.
Woods, Joseph.....	Kent, U.C.

-
1. There was one seat vacant: Three Rivers.
 2. Beaubien was elected, 22 November 1843, in place of George Moffatt, who resigned 30 November 1843.
 3. In his personal correspondence, Bouthillier spelled his name with an "h"; therefore we have also adopted this spelling.
 4. Killaly resigned his seat on 30 November 1843.

THURSDAY, 28 SEPTEMBER 1843.¹

(1)

Message to attend
Governor General.

A Message from His Excellency, the Governor General, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:-

Mr. Speaker,

His Excellency, the Governor General, desires the immediate attendance of this Honorable House in the Legislative Council Chamber.

Accordingly, Mr. Speaker, with the House, went to the Council Chamber: and being returned:

Writs issued.

Mr. Speaker acquainted the House that he had issued his Warrants, to the Clerk of the Crown in Chancery, to make out new Writs for the Election of Members to serve in the present Provincial Parliament, in the room of Members whose seats had become vacant, and that the Clerk of this House had received, from the said Clerk of the Crown in Chancery, the following Certificates of Returns of Members, elected during the recess, upon the said new Writs.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th October, 1842.

Fourth Riding of
County of York.

This is to certify that in virtue of a Writ of Election, dated the seventeenth day of September last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer of the Fourth Riding of the County of York, (George Lount, Esquire,) for the Election of one Member for the said Fourth Riding of the said County of York, in the room of Louis Hypolite Lafontaine, Esquire, whose seat had become vacant by his acceptance of the Office of Her Majesty's Attorney General, for that part of the Province heretofore called Lower Canada. The Honorable Louis Hypolite Lafontaine has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the eighth day of October, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire, }
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 31st October, 1842.

County of Port
Neuf.

This is to certify that in virtue of a Writ of Election dated the twenty-fourth day of September last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Portneuf, (Paul Biqué, Esquire,) for the Election of one Member for the said County of Portneuf, in the room of Thomas Cushing Aylwin, Esquire, whose seat had become vacant by his acceptance of the office of Her Majesty's Solicitor General for that part of the Province heretofore called Lower Canada. The Honorable Thomas Cushing Aylwin has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the twentieth day of October instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 22d October, 1842.

Third Riding
York.

This is to certify, that in virtue of a Writ of Election, dated the twenty-seventh day of September last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer, of the third Riding of the County of York, (Alexander Grant, Esquire,) for the election of one member for the said Third Riding of the County of York, in the room of James Edward Small, Esquire, whose seat had become vacant, by his acceptance of the office of her Majesty's Solicitor General, for that part of the Province heretofore Upper Canada. The Honorable James Edward Small, has been returned as duly elected accordingly, as appears by the return of the said Writ, dated the fifteenth day of October instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 25th November, 1842.

Second Riding
York.

This is to certify, that in virtue of a Writ of Election, dated the tenth day of October last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the Second Riding of the County of York, (John Hawkins, Esquire,) for the Election of one Member for the said Second Riding of the County of York, in the room of George Duggan, Esquire, whose election and return had been declared void, George Duggan the younger, Esquire, has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the twenty-second day of November instant, which is lodged of Record in my Office.

(2)

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 14th November, 1842.

County of
Beauharnois.

This is to certify, that in virtue of a Writ of Election, dated the twelfth day of October last past, issued by his Excellency the Governor in Chief, and directed to the Returning Officer of the County of Beauharnois, (William Bowron, Esquire), for the Election of one Member for the said County of Beauharnois, in the room of John William Dunscomb, Esquire, who has resigned his seat, Edward Gibbon Wakefield, Esquire, has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the ninth day of November instant, which is lodged of record in my Office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 13th December, 1842.

County of Sag-
uenay.

This is to certify, that in virtue of a Writ of Election, dated the twenty-ninth day of October last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Saguenay,

for the said County of Saguenay, in the room of Etienne Parent, Esquire, who had accepted of an office of emolument or profit, under the Crown, the Honorable Augustus Norbert Morin has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the twenty-eighth day of November last past, which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 8th February, 1843.

County of Rimouski.

This is to certify that in virtue of a Writ of Election, dated the twenty-ninth day of December last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Rimouski, (Pierre Gauvreau, Esquire,) for the election of one Member for the said County of Rimouski, in the room of Michel Borne, Esquire, who had resigned his seat, the Honorable Robert Baldwin has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the thirtieth day of January last past, which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 9th March, 1843.

City of Toronto

This is to certify that in virtue of a Writ of Election, dated the eleventh day of February last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the City of Toronto, (John Radenhurst, Esquire,) for the election of one Member for the said City of Toronto, in the room of Isaac Buchanan, Esquire, who had resigned his seat, the Honourable Henry Sherwood has been returned as duly elected accordingly as appears by the Return of the said Writ, dated the sixth day of March, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 26th September, 1843.

County of Cham-
plain.

This is to certify that in virtue of a Writ of Election, dated the first day of September instant, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Champlain, (Louis Guillet, Esquire,) for the Election of one Member for the said County of Champlain, in the room of René Joseph Kimber, Esquire, whose seat had become vacant, by his acceptance of a seat in the Legislative Council, Henry Judah, Esquire has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the twenty-second day of September instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 27th September, 1843.

City of Quebec

This is to certify that in virtue of a Writ of Election, dated the fourth day of September instant, issued by the Governor in Chief, and directed to the Returning Officer for the City of Quebec, (Archibald Campbell, Esquire,) for the Election of one Member for the said City of Quebec, in the room of David Burnet, Esquire, who had resigned his seat, as a Member for the same, Jean Chabot, Esquire has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the eighteenth day of September instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Mr. Wakefield,
Mr. Sherwood
and Mr. Judah
take their seats.

Edward Gibbon Wakefield, Esquire, Member for
the County of Beauharnois, the Honorable Henry
Sherwood, Member for the City of Toronto, and
Henry Judah, Esquire, Member for the County of

(3)

Champlain, having previously taken the oath according to law and subscribed before the Commissioners, the roll containing the same, took their seats in the House.

The Speaker ((MR. CUVILLIER))² announced that there were two cases, in which, from their peculiarity, he was unable to find any warrant, or precedent, for the issuing of writs for election of members, and accordingly had deferred it until he could lay it before the House, and obtain their opinion upon the subject. The one was for the election of a member for the County of Russell.³

(3)

Mr. Speaker also acquainted the House that the Clerk of this House had received from the Clerk of the Crown in Chancery the following Return of a Member for the County of Russell, for which he Mr. Speaker had issued no Warrant.

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 25th September, 1843.

Return from
County of Rus-
sell.

This is to certify that in virtue of a Writ of Election, dated the fourteenth day of August last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Russell, (Edward Malloch, Esquire,) for the Election of one Member for the said County of Russell, in the room of William Henry Draper, Esquire, whose seat had become vacant, by his acceptance of a seat in the Legislative Council, William Stewart, of Bytown, in the District of Dalhousie, Esquire, has been returned as duly elected accordingly, as appears by the Return of the said Writ, dated the fourteenth day of September, in the year of our Lord one thousand eight hundred and forty-three, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W.B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

((MR. CUVILLIER continued:)) The election laws of the two provinces

are continued in force by the Union act, until they shall be repealed or altered. The election laws of Lower Canada authorized the Speaker to issue writs to fill vacancies occurring during the recess, but the election law of Upper Canada does not, nor does it authorize the Clerk of the Crown in Chancery to do this. Therefore, in point of law, the pretended election for Russell was no election at all.⁴

MR. JOHNSTON pense qu'il ne faut pas user de rigueur dans un cas semblable, et que la chambre peut toujours remédier aux informalités s'il en existent (sic).⁵

DR. DUNLOP moved that the member be admitted to take his seat, as a matter of grace.⁶

(3)

Seat of A.M.
Delisle, County
of Montreal.

Mr. Speaker communicated⁷ to the House a notice by him received,⁸ and signed by Louis Michel Viger, Esquire, Member for the County of Nicolet, and Joseph G. Barthe, Esquire, Member for the County of Yamaska, on the subject of the Seat of Alexander Maurice Delisle, Esquire, Member representing the County of Montreal.

M. LE PRESIDENT ((CUVILLIER)) dit que ((cet avis lui intima)) que, la représentation du comté de Montréal étant devenue vacante par suite d'un changement survenu dans la tenure d'office de Mr. A.M. Delisle, il eût à émaner un nouveau writ. Cependant il ne crut pas devoir se rendre à cette demande, quoiqu'il eût été peut-être justifiable de le faire parce que, à l'époque de l'élection de M. Delisle, il était de notoriété publique que M. Delisle était revêtu de la charge de greffier de la paix, la même que celle qu'il a depuis continué de posséder, qu'il en retirait alors comme il en retire encore les émolumens, avec cette différence pourtant qu'il la possédait lors de son élection en commun avec un autre, et que depuis quelque temps il la possède seul. Quoique lui, M. le président, eût été justifiable d'expédier son fiat pour l'émanation d'un nouveau writ, il ne le fit cependant pas, et il désirerait plutôt que la chambre se prononçât sur cette question, qu'il était nécessaire qu'elle le fit, et que cela établirait un précédent qui pourrait trouver son application par la suite, et le déchargerait de toute la responsabilité qu'on serait en droit ou tenté de lui faire encourir en pareil cas.⁹

It was ordered to lie over for consideration, to give time to look out for precedents.¹⁰

(3)

Writ for County
of Hastings.

Mr. Speaker also acquainted the House that he had issued his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of one Member to serve in the present Provincial Parliament for the County of Hastings, and that the Clerk of this House had received from

the said Clerk of the Crown in Chancery the following Certificate of the Special Return of a Member for the said County of Hastings:--

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 17th October, 1842.

Special Return
from Hastings.

This is to certify that the following special Return, has been made to the Writ of Election dated the seventeenth day of September last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Hastings, (J. W. Dunbar Moodie, Esquire,) for the election of one Member for the said County of Hastings, in the room of Robert Baldwin, Esquire, whose seat had become vacant by his acceptance of the office of Her Majesty's Attorney General for that part of the Province heretofore called Upper Canada, to wit:--"By virtue of the annexed Writ to me directed, after having given due notice I proceeded to hold the Election for the within named County of Hastings, on Monday the third day of October instant, at the hour of ten o'clock, A.M.; but in consequence of the time occupied by the addresses of the two Candidates, several hours were lost before I could begin to take the votes of the Freeholders. About half an hour before the time fixed for opening the Poll on Tuesday, a collision took place between the two parties, which, is in consequence of the time occupied in swearing special Constables, delayed the opening of the Poll until nearly twelve o'clock. On Wednesday at three o'clock a general riot took place, which prevented further polling on that day, and I was under the necessity of adjourning the Poll until nine o'clock on Thursday morning. During this riot deadly weapons were used, endangering the lives of the freeholders, and towards the evening I felt it my duty to send a requisition for two Companies of Her Majesty's Regular Troops, which requisition was concurred in by all the Magistrates present, and in the mean time it was found necessary to call out a company of Militia, with such arms as they could obtain, to protect the property of the Inhabitants.

"On Thursday, from the excited state of public feeling, it was obvious to all that it would be unsafe to proceed with the polling until the arrival of the Regular Troops, and at nine o'clock I adjourned the Poll until one o'clock, P.M., and at that hour, the troops not having arrived as expected, I again adjourned the Poll until four o'clock, P.M., at which hour the Troops arrived at the wharf, but it was nearly five o'clock before they could be brought on the ground. When preparing to proceed with the Poll, it was discovered that one of the parties had taken possession of the ground around the Hustings and its entrances, when for the sake of preserving the peace, I made a proposal that each party should occupy half of the ground and of the enclosure in front of the Hustings, to which proposal the party in possession would not consent. So much time was occupied in endeavouring to effect some arrangement

which would be fair to both parties, that it became too late to proceed with the Poll, which I accordingly adjourned to six o'clock on Friday morning, at which time the Poll was opened, and continued without adjournment until six o'clock, P.M., when there were evident symptoms of a riot, and I adjourned the Poll to six o'clock on Saturday morning.

"At the hour of three o'clock, P.M., a memorandum was drawn up by the two Candidates, which was shown to me, distinctly admitting on both sides, that it had become wholly impossible to poll all the votes of the County within the time prescribed by law, and that therefore it was agreed between the parties that I should close the Poll at three o'clock, P.M., which was accordingly done. At the said hour of three o'clock, P.M., 915 votes only had been polled; while I have every reason to suppose that the whole number of votes, had there been sufficient time left for polling them, would have exceeded 1400 votes. From the above causes I have not been able to execute the annexed Writ as I am commanded; because I cannot consider the Candidate who had the greater number of votes at the said hour of three o'clock, as freely and indifferently chosen, according to the terms of the said Writ, and because the votes then taken were not sufficiently numerous, adequately to express the sense of the freeholders of the County."

"At the time of closing the Poll, the numbers for each of the candidates stood as follows:

"For Edmond Murney, Esq.....482

"For the Honorable Robert Baldwin.....433

("Signed,)

"J. W. DUNBAR, MOODIE,

"Returning Officer.

(4)

Hastings
Election.

Which special Return was accompanied by a certain protest of the Honorable Robert Baldwin, and others, marked (A.) herewith enclosed.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly. }

Protest.

To John Wedderburne Dunbar Moodie, Esquire,
Returning Officer for the County of Hastings,
&c. &c. &c.

Sir,

Take notice that we the undersigned Candidate and Electors for the County of Hastings, have jointly and severally protested, and do hereby jointly and severally protest against your returning Edmund Murney, Esquire, as having been elected at the present Election to represent the County of Hastings in Provincial Parliament, on the following, among other, grounds:

1. That the Honorable Robert Baldwin, Esquire, having on the first day of the said Election been duly proposed and seconded as a fit and proper person to represent the said County of Hastings in Provincial Parliament, the shew of hands of the Electors present was duly declared by you to be in favour of the said Robert Baldwin; whereupon a Poll was demanded on behalf of the said Edmund Murney, and the same being granted, while such Poll was proceeding on the third day of the said Election, and when not more than four hundred and ten out of upwards of fifteen hundred of the Electors of the said County had polled their votes, a riot took place at the Hustings, at which riot the Electors in the interest of the said Robert Baldwin were forcibly driven from the said Hustings by a mob consisting of Electors in the interest of the said Edmund Murney and others, his friends and supporters, armed not only with clubs, sticks, stones, and other offensive weapons of that kind, but also with swords, knives, fire-arms, and other deadly weapons, which said mob entirely put your authority and that of the Magistrates of the District at defiance, neither you nor they being able to protect the persons of the peaceable Electors in the interest of the said Robert Baldwin from insult and injury, or otherwise to keep the public peace; and it in consequence became impossible to proceed with the Poll of the said Election with safety until the arrival of a Military force sufficient to restore the authority of yourself and the Magistrates, and to secure the public peace.

2. That such Military force did not arrive until the evening of the fourth day of the said Election, when you did not think proper to proceed with the Poll of the said Election on that day, but adjourned the same until the following morning.

3. That by means of such riot, and the total inability of yourself or the other public authorities to suppress it or insure the public peace so as to justify you, in your estimation, in proceeding with the Poll, a large number of the Electors of the said County in the interest of the said Robert Baldwin, and who would otherwise have come to the Hustings to vote for him, were deterred from doing so; such last mentioned Electors being sufficient of themselves to have placed the said Robert Baldwin ahead of the said Edmund Murney on the said Poll, had their votes been polled at the said Election.

4. That in consequence of such interruption, an opportunity has not

been afforded to the Electors of the said County to Poll their votes at the present Election, so as to enable you to pronounce that the said Edmund Murney has been elected by a majority of the votes of the Electors present at such Election, according to the command of the Queen's Writ.

5. That the said mob having so driven the Electors in the interest of the said Robert Baldwin from the said Hustings on the said third day of the said Election, took forcible possession of the said Hustings, and kept such possession until the afternoon of the fifth day of the said Election (although you were frequently called upon by the said Robert Baldwin and his friends to have them removed for the purpose of affording to the Electors in the interest of the said Robert Baldwin an equal opportunity of polling their votes,) thereby enabling the Electors in the interest of the said Edmund Murney to Poll their votes and place him greatly in advance of the said Robert Baldwin on the said Poll, and preventing the Electors in the interest of the said Robert Baldwin from having free access to the said Poll, and thus affording the said Edmund Murney the advantage of leading the Poll on the fifth and sixth days of the said Election.

6. That there are now present at the close of the Poll, at and about the Hustings, a large number of the Electors of the said County, amounting to upwards of four hundred of such Electors who have not yet polled their votes at this Election, and the greater part of whom being more than sufficient to place the said Robert Baldwin in a large majority upon the said Poll, have been long in attendance at the said Poll waiting for an opportunity to poll their votes in his favor, but have not had the opportunity of doing so.

7. That it is admitted as well by yourself as by the Election Committee of the said Edmund Murney, by the said Edmund Murney himself, by divers Electors in his interest, and divers others of his friends, agents and supporters, and not denied by any that there has not, during the period that the Poll has been open at this Election, been sufficient time for fully polling the votes of the Electors of the said County.

8. That it is your duty, as the Returning Officer, under such circumstances, not to return the said Edmund Murney as duly elected, that not being the fact, but on the contrary thereof to make a special Return, setting forth the circumstances which have prevented you from being able to execute the Queen's Writ to you in this behalf directed, according to the exigency thereof.

ROBERT BALDWIN,
BILLA FLINT, JR.
D. B. SOLE,

W. G. REYNOLDS,
LYMAN DEFOE,
----- DEFOE.

*Saturday, 3 o'clock, P.M. }
 Belleville, 8th October, 1842. }*

SIR ALLAN MACNAB attaque le rapport qu'il prétend irrégulier et comme devant, s'il pouvait être maintenu, mettre la chambre en contradiction avec elle-même, en ce que lui, sir Allan, pouvait citer l'antécédant de M. Wood, cas semblable et qui avait été décidé par la chambre en faveur de celui qui avait eu la majorité des votes lors de la fermeture du poll. L'affaire avait été discutée en comité général, sous la présidence de M. Taschereau. Les résolutions rapportées déclarèrent M. Wood dûment élu pour représenter le comté de Kent. Dans le cas actuel, M. Murney avait eu une majorité à la clôture du poll, ainsi qu'il était déclaré dans le document dont on venait de faire la lecture, et qu'ainsi il devait être considéré comme élu de fait, et avait droit à son siège en cette chambre. L'honorable membre termine en faisant ((une)) motion¹².

(4)

On motion of Sir Allan N. M'Nab, seconded by Mr. Cartwright.

*Return for
 Hastings
 demanded.*

Ordered, That Felix Fortier, Esquire, Clerk of the Crown in Chancery, do appear before this House forthwith, with the Return to the Writ for the election of a Member for the County of Hastings, and that he do lay the same before this House.

In conformity to the foregoing order, the Clerk of the Crown in Chancery, did appear and lay before the House the said Return to the Writ for the election of a Member for the County of Hastings.

M. BALDWIN dit que le cas dont il est actuellement question est bien différent de celui invoqué par le galant chevalier et à la citation duquel lui M. Baldwin s'objecte comme étant tout à fait inapplicable. Nous avons compris que l'honorable monsieur a dit, en faisant allusion au procédé de l'officier-rapporteur, que celui-ci en était venu là en conséquence d'actes de violence et d'émeute qui avaient rendu impossible tout moyen de s'assurer du sens, du vœu des électeurs du comté. Que dans le cas de M. Wood on s'était appuyé, pour contester son retour d'élection, sur ce qu'on y avait admis à voter nombre d'individus représentés comme non qualifiés et n'ayant aucun droit de vote.

Mais dans le cas actuel, dans le cas qui le regarde lui, M. Baldwin, on n'alléguait rien de semblable. L'honorable membre donne un rapide aperçu des raisons alléguées contre le retour de M. Murney, et fait remarquer le manque d'analogie de ce cas avec ce qu'on a cité comme antécédant. Il a dit ensuite qu'en fait il n'y avait pas de retour. Il s'oppose à ce qu'on procède immédiatement dans cette affaire, si tel est en effet le désir du galant chevalier, parce que le faire ainsi à la hâte, ce serait s'exposer à tomber dans de graves inconvénients. Il faut

regarder aux intérêts du peuple en général, sérieusement compromis dans cette question, et on ne saurait y faire droit si on n'accorde le temps nécessaire.¹³

M. JOHNSTON fait quelques remarques sur un ton demi-sérieux, demi-badin, et par lesquelles nous avons cru comprendre qu'il accusait le shériff de n'avoir pas fait son devoir lors de l'élection au comté d'Hastings.¹⁴

SIR ALLAN MACNAB dit que M. Murney avait la majorité des votes donnés à l'élection, et était conséquemment en droit de siéger en cette chambre tout autant que M. Wood l'avait été. Il nie qu'il y ait absence d'analogie entre les deux cas.¹⁵

L'Hon. JOHN NEILSON dit qu'il est impossible de n'être pas frappé du caractère illicite que porte évidemment cette élection. Tout le monde savait qu'il y avait eu là violence et perturbation. Qu'il avait vu lui-même de l'enceinte de cette chambre un détachement de troupes en marche, se dirigeant sur Hastings. Qui peut donc douter qu'il y ait eu violence? Et on s'opposerait à un examen qui aurait pour but de la dévoiler d'une manière certaine, et pour résultat, d'y apporter un remède! Faut-il donc que ce soit la violence qui prévale? Si tel doit être le cas, quel spectacle ne présenteront pas toutes les élections futures? On pourrait donc tout de suite reconnaître que la force, la force brutale seule devra y régner. Il est indubitable que le peuple a droit de réclamer, et s'attend que ses représentants réclameront en effet contre de tels procédés. Nous avons tous le plus grand intérêt à s'enquérir de la vérité et de prendre acte des faits.¹⁶

MR. SMITH admet volontiers qu'il y eut des actes de violence commis à cette élection, mais qu'il ne s'ensuit pas que Mr. Murney ne soit pas dûment élu. Que la violence s'était aussi manifestée à l'élection de Mr. Wood, et cependant on ne l'avait pas alléguée comme une objection. Mr. Murney avait-il la majorité des votes à la clôture du poll? Voilà la question. S'il l'avait, et cela appert par le retour même de l'officier rapporteur, il a droit de prendre son siège. L'honorable membre (Mr. Smith) ne peut apercevoir aucune distinction entre les deux cas mis en juxta-position.¹⁷

MR. CARTWRIGHT ne veut d'autre preuve de l'élection de Mr. Murney que le retour même de l'officier rapporteur. On objecte qu'il y a eu violence. Eh bien! la votation s'est continuée même après l'arrivée des troupes. Si l'officier rapporteur avait clos le poll dès le mercredi, alors c'eût été différent; mais au lieu de le clore il le continue de jour en jour, et ce n'est qu'au bout de deux ou trois jours après qu'il songe à terminer. Son rapport est irrégulier, inconstitutionnel, et il est de son devoir de le rectifier, ou la chambre doit en permettre l'amendement.¹⁸

M. CHRISTIE porte ensuite la parole, mais le ton bas sur lequel il a parlé nous a empêché de saisir ce qu'il a dit. Nous croyons cependant avoir compris qu'il combattait l'honorable préopinant.¹⁹

M. DUNLOP dit que la rixe était commencée et qu'elle durerait depuis quelque temps avant qu'on songeât d'envoyer chercher les troupes. Il voit le protêt dont cette élection est l'objet avec un bien mauvais oeil, et croit que des préventions planent sur toute la rédaction de ce document.²⁰

L'Hon. D. B. VIGER relevant l'assertion faite par un honorable membre (sir Allan), que si le retour de l'élection avait été fait en faveur de l'autre parti, on se serait bien gardé de la contester, fait entr'autres choses observer qu'il est en effet bien possible que celui qu'il représente dans le retour comme ayant eu une majorité des votes ait été élu par la violence, dont il paraîtrait avoir été commis des actes très sérieux, et en ce cas que pourrait-on penser des efforts qu'on aurait fait pour les couvrir du manteau de la légalité? On voit bien l'individu qu'on dit être élu, mais on ferme les yeux sur les actes, sur les faits dont cette élection paraît être le résultat. La loi, l'ordre public, l'harmonie qui doit exister parmi les citoyens d'un même pays, tout doit être aveuglément sacrifiés (sic) ou méconnus (sic), pour faire place à un individu. Mais c'est à la chambre à se prononcer sur la question, elle seule doit en juger.²¹

SIR ALLAN MACNAB faisant allusion à l'élection du 3e arrondissement d'York, dit qu'il croit qu'elle fut tenue ouverte afin de faire entrer le solliciteur-général. Que l'honorable monsieur qui est derrière (M. Neilson) prétend qu'il y a eu violence à celle de Hastings, mais il ne dit pas à quel parti il faut rattacher cette violence. Il ne paraît pas que ces actes de violence aient été commis par les partisans de M. Murney. Que lui, sir Allan, est loin de désirer qu'on protège ceux qui ont pu s'en rendre coupables, mais en même temps il doit dire qu'il serait injuste qu'un autre qu'eux dût en souffrir. Le courtois chevalier termine en proposant que M. Murney soit admis à siéger.²²

L'Hon. M. BALDWIN aborde un instant la question présentée sous le même point de vue que l'honorable préopinant, et ajoute que ce n'est pas le moment de faire ces observations. Que pour lui il n'a aucun sujet de craindre le sujet d'une enquête, lors même qu'il lui serait contraire; le pays doit connaître la vérité, et sa voix doit se faire entendre. L'Honorable et savant ministre dit qu'il n((e s'))objecte pas à cette partie de la motion qui a pour but d'admettre M. Murney à siéger, pourvu que ce soit avec l'entendement qu'on pourra entrer dans le mérite de la question et procéder à un jour ultérieur.²³

L'Hon. M. AYLWIN, se référant à une observation de sir Allan McNab qui a dit que lui M. Aylwin ne pourrait que sanctionner la proposition

sur le tapis après avoir secondé la motion qui fut faite dans le temps relativement à M. Wood et qui est de même nature avec elle, l'hon. M. Aylwin dit qu'il avait, il est vrai, secondé la motion dans le cas de M. Wood, mais que les circonstances étaient entièrement différentes. Ce dont ils ont actuellement à s'occuper n'est pas une question de parti, mais une question dans laquelle tout le monde est profondément intéressé, et qui entraîne jusqu'à l'existence même de cette chambre. L'honorable monsieur dit que la proposition d'amender le retour est, du reste, irrégulière, imparlementaire et ne saurait être maintenue, et fait à l'appui de cette allégation diverses observations qu²⁴, de notre place, nous n'avons pas pu entendre assez distinctement.

M. DUNLOP fait remarquer qu'on pourrait d'abord laisser M. Murney prendre son siège, sauf à le contester ensuite s'il y a lieu. Le document dont on leur a fait la lecture est rédigé avec beaucoup d'art et de talent, et l'hon. docteur termine en répétant que ce document a l'air très suspect, et qu'on dirait plutôt qu'il est l'ouvrage d'un grand jurisconsulte ou d'un²⁵ grand politique que le simple compte-rendu d'un officier-rapporteur.

M. SHERWOOD dit qu'il ne s'opposera pas à ce que Sir Allan McNab puisse amender sa motion, si tel est son but, mais qu'il est grandement à regretter qu'un retour comme celui dont il est question puisse demeurer sur la table. Ce retour est irrégulier et n'aurait dû jamais être fait. L'officier-rapporteur devait envoyer à la chambre d'autre chose que son opinion individuelle relativement à tel ou tel procédé. Quand à la violence qu'on dit avoir régné à l'élection, lui l'hon. opinant, ne saurait le contester, non plus que de dire de quel côté se trouva le tort, seulement il prétend qu'il y eut du désordre, et qu'il était à craindre qu'une émeute n'éclatât, mais il n'accuse aucun parti. Si l'élection telle qu'elle est était le résultat de la violence, et qu'on en put accuser le parti de M. Murney, il voterait avec plaisir pour son expulsion.²⁶

L'Hon. M. AYLWIN dit qu'il apprend que le retour n'est pas devant la chambre.²⁷

L'Hon. M. MORIN fait remarquer que la comparaison qu'on a faite de la question actuelle avec le cas de M. Wood est dénuée de justesse. On objectait dans ce dernier cas que nombre de votans n'étaient pas qualifiés, que beaucoup d'eux avaient prêté de faux sermens, ou s'étaient laissés corrompre, et qu'on avait enfin employé des moyens illégaux, non pas précisément pour empêcher le comté de pouvoir se prononcer, mais plutôt pour diriger et contrôler la votation que pour l'empêcher tout-à-fait d'avoir lieu. On n'alléguait pas que la violence eût déterminé l'élection, ou plutôt qu'elle l'eût empêché (sic) d'avoir lieu, comme dans le cas actuel; car ici, il n'y a pas eu à proprement parler d'élection, et il ne peut pas y en avoir eu. On a dit qu'il y avait une

majorité en faveur de M. Murney, mais la question n'est pas du tout de savoir s'il y a majorité, mais il s'agit tout simplement de savoir si l'élection s'est faite suivant la loi, si elle doit être l'oeuvre de la violence, ou le résultat des vœux librement exprimés par les électeurs du comté. Quant à la partie de la motion qui tend à faire admettre M. Murney à siéger en attendant que la chambre se soit prononcée sur le sort de son élection, c'est là une question sur laquelle il ne peut y avoir de doute. Si par exemple en Angleterre il paraissait de toute évidence que dans un cas comme celui-ci il n'y eût pas d'élection, on dirait encore, malgré cela, que celui qui est présenté par le retour de l'officier-rapporteur doit siéger, sauf à faire enquête s'il y a lieu.²⁸

L'amendement de la motion de sir Allan ((MacNab)) tendant à obtenir pour M. Murney la permission de siéger est agréé sans division.²⁹

SIR ALLAN MACNAB, amendant encore sa motion, propose que l'affaire soit examinée en comité général lundi prochain.³⁰

(4)

Ordered, That the said Return be referred to a Committee of the whole House on Monday next.

(5)

Mr. Walker
resigns.

Writ for
Rouville.

Mr. Speaker laid before the House the Acte of the resignation of William Walker, Esquire, Member for the County of Rouville, and acquainted the House, that, in conformity to law, he had issued his warrant to the Clerk of the Crown in Chancery, to make out a new Writ, for the election of a Member for the said County of Rouville, in the room of the said William Walker.

Mr. Yule
resigns.

Mr. Speaker also laid before the House the Acte of the resignation of John Yule, Esquire, Member for the County of Chambly.

Mr. Speaker communicated to the House the following letter, by him received from the Speaker of the Assembly of Prince Edward Island.

*House of Assembly,
Prince Edward Island, March 6, 1843.*

Sir,

Letter from
Speaker of
Assembly of
Prince Edward
Island.

The House of Assembly of this Colony having adopted the First Report of a Special Committee on the subject of the Post Office Department generally, and particularly in reference to the increased rates of Postage, now exacted on Letters,

Newspapers and other Documents transmitted by Post, between the British North American Colonies, I am directed by the House to forward you a Copy of their Report, and to beg that you will have the goodness to lay the same before the House of Assembly of Canada, in hopes that the Assembly of Canada will co-operate with the Representatives of this Province, in soliciting from Her Majesty's Imperial Government, a revision of the Laws or Regulations under which the present Postage, Rates on Letters and Newspapers are exacted throughout the British North American Colonies, with a view of assimilating them as far as practicable to those now in force in the United Kingdom, or of placing the internal Post communication by a uniform system, under the controul of the Local Legislatures.

I have the honor to be, Sir,
Your most obedient servant,

JOSEPH POPE, Speaker.

The Honorable the Speaker of the
House of Assembly of Canada. }

(Memo.--The Report did not accompany the above letter.)

Justices oath
Bill.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to provide for the Administration of the oath of office to persons appointed to be Justices of the Peace in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Speech
reported.

Mr. Speaker then reported that when the House did attend His Excellency the Governor General, this day in the Legislative Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Provincial Parliament; of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which he read to the House, and is as followeth:

Speech at opening
of Session.

Honorable Gentlemen of the Legislative Council,
and Gentlemen of the House of Assembly:

I am happy to meet you assembled for the discharge of the high functions entrusted to you. Various considerations of importance have prevented my calling you together at an earlier period.

Since your last Session, the birth of a Princess has diffused joy throughout the British Empire, and we have reason to be deeply grateful for the continued protection vouchsafed by Almighty Providence to our gracious Queen, whose life and health are blessings to Her subjects.

In the same interval, an afflicting event has occurred in Canada, by the demise of your late Governor, my immediate predecessor, whose heart was devoted to the public welfare. Universal regret has done honor to his memory throughout the Province; and I cannot abstain from noticing that his desolate widow and family, and his mortal remains, in passing through the neighbouring territories of the United States, to their place of embarkation at New York, were received with marked and affecting tokens of friendly respect, which indicated both the esteem in which he was held in a country in which he had been personally well known, and also a generous sympathy worthy of the great nation by which it was evinced.

The Act of the Imperial Legislature which facilitates the introduction of Canadian Wheat, and of Flour prepared in Canada, into the Ports of the United Kingdom, will, I trust, prove to be a valuable boon to this Province; and is a further proof of Her Majesty's unremitted care for the prosperity of this portion of Her Dominions. A copy of a Despatch from Her Majesty's Secretary of State, on this subject, will be laid before you.

Measures will be submitted to you for the improvement of the system of Judicature in Lower Canada; of the Municipal Institutions, the laws relating to Education and the Jury system of both Divisions of the United Province, and of the Assessment Laws in Upper Canada, as well as on other important subjects; all of which will, I am sure, engage your earnest attention.

I have recently made a tour through the Province, such as the exigency of public business would permit, in order that I might become, in some degree, acquainted with local circumstances requiring attention.

I have had great satisfaction in seeing a fine country, evidently advancing in improvement; and have every where been received with manifestations of loyalty to our Gracious Sovereign, and with personal kindness to myself.

It has been highly satisfactory to me to witness the great works in progress, which, owing to the Loan raised in England under the guarantee of the Imperial Government, the Province has been enabled to undertake or prosecute. They are calculated, I hope, to extend the commerce, and develop the resources of this vast country, and increase the public revenue, and general and individual wealth.

In those parts where works of this description are in progress, I found contentment prevailing at the prospect which they present. In other parts there is a cry for improved Roads, for the conveyance of produce to appropriate Markets, a claim which is worthy of consideration; for on such communications the prosperity of the country must in a great measure depend. No where was this anxiety more strongly expressed than in the Eastern Townships of Lower Canada, where the community, almost entirely Agricultural, in consequence of the heavy duties imposed on their produce in the United States, have lost the market to which they had formerly recourse, while the exemption from duty in our country of the similar produce of our neighbours, enables them, by greater facilities of conveyance, to undersell the producers of the Eastern Townships in our own

(6)

markets. Similar complaints of the effects of the Duties on our produce in the United States, and of the facility given to the admission of their produce into our territory, are also made in other parts. Whatever improvement can be afforded to our internal communications is so obviously desirable for the advantage of the community, that any outlay devoted to that object, and consistent with the means at command, must be highly beneficial. It is therefore much to be regretted, that the state of the finances does not afford any immediate prospect of our being able to meet the wishes of many districts deeply interested in this respect.

I cannot refrain from bringing to your notice, as a subject worthy of consideration, the state of the Prisons in some portions of the Province. The Penitentiary at Kingston is an Institution very creditable to the country; great cost has been incurred in the erection of prisons in other places, and some of the local authorities are now laudably exerting themselves to provide suitable accommodation for prisoners; but in some places there is great deficiency. The justice due even to criminals requires that they should not be subjected to greater punishment than what is designed by their sentence, and that disease or death, from foul air and want of exercise, should not be superadded to imprisonment. It is likewise due to untried Prisoners, who may be innocent, that they should not be confined in the same cell with convicted criminals. A classification and separation of the latter is also requisite. Decency and morality demand the same with regard to the sexes; and Debtors and Criminals ought not to be confined together. It is desirable that enquiry should be made, in order to ascertain in what respects the Prisons of the Country may be defective in requisite accommodation, and to remedy any material deficiency that may exist.

The establishment of a Lunatic Asylum in Lower Canada is much required; those who are visited with the affliction of mental aberration being now confined in the common Prison, or in some of the Religious and Charitable Institutions which do honor to that portion of the Province. Measures are in progress for the permanent location of the Asylum now existing under a temporary arrangement in Upper Canada, and for the completion of the arrangements of that Institution.

Gentlemen of the House of Assembly,

The Accounts for the past, and Estimates for the present, year will be laid before you. I am concerned to announce to you that there is a considerable decrease in the Revenue, but I hope that it proceeds from temporary causes, and that it will be followed by a greater increase. The Loan obtained in England, under the guarantee of the Imperial Government, has been raised on advantageous terms.

This Act of the Imperial Legislature prescribing a new Tariff renders necessary a corresponding alteration in our Custom Laws, and this subject will be brought under your consideration. I have no doubt of your readiness to provide for the exigencies of the Public Service, and, as

far as that object can be promoted, by practicable and judicious economy, you may rely on my co-operation.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

I will not detain you longer from the commencement of your arduous duties. The welfare of Canada depends on the result of your deliberations on the numerous and important questions which will come before you, and that great end will, I trust, be the sole object of your labours. It is the anxious desire of Her Majesty's Government, and will be the constant aim of my endeavours. I humbly hope that the Blessing of Almighty God will crown our united efforts with success.

Three Petitions
brought up.

The following Petitions were severally brought up and laid on the table:

By the Honourable Mr. Neilson, the Petition of the Minister, Elders and Trustees of the St. Andrew's Church of Quebec; and the Petition of the Reverend George Mackie and others, the Managing Committee of the National Schools at Quebec.

By Mr. Hale, the Petition of C. M. Hyndman, keeper of the Court House and Crier of Her Majesty's Courts of Judicature, of the District of St. Francis.

On motion of Mr. Henry Smith, seconded by Mr. Taschereau,

Postage.

Ordered, That the Clerk do charge, to the Contingencies of the House, the Postage on all letters not exceeding one ounce in weight, and on printed papers to and from Members of this House, during the present Session, provided that when Petitions to this House are enclosed, the Postage thereon shall be charged without restriction as to weight.

((Il y a)) quelques mots d'objection de la part de Messrs. Johnston et Dunlop³¹.

L'Hon. M. BALDWIN, secondé par l'hon. M. AYLWIN propose que M. le président laisse le fauteuil pendant une couple d'heures afin que les membres aient le temps de se préparer sur l'adresse à faire en réponse au discours du trône.³² Qu'on doit leur permettre d'en prendre ainsi une connaissance plus intime, et de réfléchir à part sur les sujets embrassés par ce document. De la sorte chacun sera en état de voter sur l'adresse à faire. Il est d'usage au parlement britannique³³, ((and)) more respectable towards the Representative of Her Majesty³⁴, de répondre immédiatement, ou sans délai, au discours de Sa Majesté à l'ouverture des chambres, et nous croyons qu'il est à désirer d'adhérer à la pratique britannique autant qu'il est possible dans les procédés de cette chambre,

ainsi qu'on l'a déjà fait remarquer antérieurement.³⁵

SIR A. N. MACNAB remarked with reference to it, that the urging of British practice in this particular instance, was rather a novelty; upwards of a week on former occasions having been suffered to elapse before the Speech from the Throne was answered.³⁶

M. JOHNSTON imagine qu'on a l'air de vouloir prendre la chambre par surprise, et qu'il lui faut plus de temps pour s'occuper de la mesure.³⁷

M. DUNLOP parle dans le même sens.³⁸

M. STEELE dit aussi quelques mots que nous n'avons pas pu entendre.³⁹

L'Hon. M. NEILSON dit qu'on est appelé à répondre au discours de Son Excellence, et qu'on lui dit tout-à-coup que c'est l'usage au parlement impérial d'y répondre sans délai. Il ne voit pas de mal à cela si l'on devait en effet suivre la pratique britannique en tout et partout dans cette chambre. Mais il n'en est pas ainsi. Citer la pratique britannique aujourd'hui pour en suivre une autre demain peut-être, et sanctionner cela, ce serait à coup sûr vouloir établir un dangereux précédent (sic). La pratique canadienne a été souvent différente sur ce point. Qu'on nous donne donc, a-t-il dit, le temps nécessaire pour réfléchir sur ce qu'on doit faire. Si on veut presser cette mesure, je serai obligé de voter à l'encontre.⁴⁰

L'Hon. M. AYLWIN croit que l'honorable membre pour Québec est sous une fausse impression. L'objet n'est pas d'établir absolument l'exacte pratique britannique, mais simplement d'y adhérer autant qu'il sera possible ou avantageux dans tous les cas où on pourra l'appliquer sans inconvénient.⁴¹

L'Hon. M. NEILSON dit que c'est l'usage en Angleterre de répondre au discours lorsqu'il est connu, et après deux ou trois jours de publication dans les journaux publics. Si on veut adhérer à cette pratique, qu'on accorde donc du temps.⁴²

L'Hon. M. VIGER porte ensuite la parole. Nous n'avons pas pu bien saisir ses observations, à cause du bruit qui se faisait autour de nous, et du ton un peu bas sur lequel l'honorable monsieur les fit. Cependant nous croyons avoir compris qu'il disait qu'il était en effet d'usage en Angleterre de répondre de suite au discours d'ouverture, auquel on faisait généralement écho, et qu'il était sûr que l'honorable membre pour le comté de Québec serait le dernier à répudier la pratique britannique. Que si quelqu'un pouvait avoir besoin de plus de temps que celui qui était proposé pour ((se)) former une opinion relativement à l'adresse en réponse au discours d'ouverture, ce ne pouvait pas, à coup sûr, être lui, M. Neilson, avec sa longue expérience des procédés

parlementaires, et son talent plain (sic) de spontanéité. Que tous les sujets qui se rattachaient au discours devaient lui être familiers, ainsi qu'à tous les membres. Qu'ainsi le temps proposé était bien suffisant pour l'objet qu'on se proposait. Que d'ailleurs dans les circonstances, et plus que jamais, il était hautement à désirer que chacun ayant à coeur les intérêts du pays facilitât autant qu'il était en lui la marche des affaires, et l'honorable et savant membre (M. Neilson) devait pour sa part d'autant plus volontiers accéder à cette proposition qu'elle n'entraînait aucun abandon de ces principes constitutionnels sous l'empire desquels nous avons le bonheur de voir le gouvernement s'administrer⁴³

L'Hon. M. BALDWIN proteste contre l'imputation de vouloir presser la mesure. Il n'a nul désir de prendre, comme on la (sic) insinué, la chambre par surprise. Sa proposition n'irait pas à lier les membres à se prononcer immédiatement; elle leur donnerait seulement l'avantage de considérer à l'avance ce qu'ils jugeraient à propos de résoudre ultérieurement. Si on désire suivre la pratique anglaise, quel meilleur moyen avons nous pour le faire que de s'y conformer en acquiesçant à ma proposition? Il est loin, il le répète, de vouloir précipiter la mesure. Que la chambre fixe un jour, demain par exemple, ou lundi, pour prendre le sujet en considération, si après l'ajournement dont il s'agit les honorables membres se trouvent prêts à le faire.⁴⁴

MR. MORIN ... contended that since a new principle had been introduced in the administration of affairs, it would be well to assimilate the manner by conducting parliamentary affairs according to the practice which prevails in England - but that (he was) perfectly willing to allow them as much time as they pleased, provided they would name it.⁴⁵

L'Hon. M. AYLWIN ... fait quelques observations qu'il nous fut impossible d'entendre.⁴⁶

M. SHERWOOD dit que le temps proposé est insuffisant. Pour sa part il veut du temps, beaucoup de temps pour examiner la question. Le discours est long, et il embrasse de nombreuses questions. Il touche à nos affaires intérieures et à nos relations extérieures, et voilà cependant ce que nous avons à considérer en deux (sic) heures de temps. Cela indique en effet qu'on voudrait hâter les choses.⁴⁷

L'Hon. M. HINCKS doit exprimer sa surprise de voir l'hon. et savant préopinant répudier la pratique anglaise dans le cas actuel. Il est d'usage en Angleterre de répondre au discours du trône le jour même qu'il est prononcé. Celui dont nous avons à nous occuper n'embrasse aucun sujet qu'on ne soit capable d'apprécier dès maintenant. Mais l'objet de quelque (sic) honorables membres est peut-être tout autre que celui de faire une réponse en forme au discours d'ouverture, et alors il ne serait pas étrange qu'ils désirassent plus de délai; mais si, comme c'est assez l'usage, on est d'opinion que la réponse doit être l'écho du

discours, assurément que le temps proposé est suffisant. L'objet d'un plus long délai doit donc être de permettre la proposition de quelque amendement, et en ce cas on pourrait en effet prendre plus de temps.⁴⁸

SIR ALLAN MACNAB dit que la pratique de cette chambre est meilleure que celle de la chambre des communes sur le point en question, car celle-ci en présupposant que la matière est purement de forme la prive en grande partie de ce qu'elle peut avoir d'important. Dans un cas d'amendement nécessaire ou de suggestions, elle entraînerait évidemment de graves inconvénients. Je préfère l'usage de cette chambre qui consiste à parler après qu'on a eu le temps de bien peser ce qu'on nous dit, et de bien réfléchir à ce qu'on doit répondre. Il n'est pas juste d'exiger de la minorité qu'elle réponde en si peu de temps. Le galant chevalier termine en demandant que la question soit remise à lundi⁴⁹.

The motion was accordingly withdrawn by MR. BALDWIN⁵⁰.

(6)

Speech to be considered.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Solicitor General Small,

Ordered, That the Speech of His Excellency the Governor General, this day delivered to both Houses of the Provincial Legislature, be taken into consideration on Monday next.

Then, on motion of the Honourable Mr. Solicitor General Small, seconded by the Honourable Mr. Attorney General Lafontaine.

The House adjourned.

APPENDIX, 28 SEPTEMBER 1843.

((NOTICE OF PROPOSED MOTIONS.))⁵¹

MR. NEILSON gave notice that he would move for an enquiry into the election riots at Terrebonne and other places, and the appointment of a Committee for that purpose.⁵²

MR. NEILSON gave notice that he would move ... for the appointment of a Committee of seven, to nominate various standing Committees for different, general, and special purposes.⁵³

CAPT. STEELE gave notice that he would propose an address to the Queen, praying Her Majesty to grant a general amnesty for political offences.⁵⁴

M. LAFONTAINE a annoncé un bill pour mieux assurer l'indépendance du parlement, trois bills relatifs à l'administration de la justice dans le Bas-Canada, et un bill pour faire faire un recensement de la même division de la province.⁵⁵

MR. CHRISTIE⁵⁶ gave notice that he would enquire whether Government during the present session intended to make any reduction in the salaries of Civil Officers.⁵⁷

MR. CHRISTIE ... also gave notice of a Bill to save the expense to public officers of taking out new Commissions on the demise of the Crown.⁵⁸

MR. CHRISTIE gave notice ... also of a Bill to prevent the dissolution of Parliament at the death of the Sovereign.⁵⁹

Il est (sic) donné plusieurs autres avis.⁶⁰

FOOTNOTES - 28 September 1843.

1. Many commentaries on the proceedings prior to and during the Throne Speech ceremonies were published in Canadian newspapers. Some of the most interesting are found in: LA MINERVE, 2 October 1843; LE CANADIEN, 2, 4 October 1843; and KINGSTON CHRONICLE, 30 September 1843.
2. The discussion of the two election writs for the counties of Russell and Montreal was reported in: L'AUREOLE, 3 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; LA MINERVE, 2 October 1843; in identical accounts in KINGSTON CHRONICLE, 30 September 1843, EXAMINER, 4 October 1843, and MONTREAL TRANSCRIPT, 3 October 1843; and in identical accounts in MONTREAL GAZETTE, 2 October 1843, and BRITISH COLONIST, 30 September 1843.
3. KINGSTON CHRONICLE, 30 September 1843.
4. ST. CATHARINES JOURNAL, 12 October 1843.
5. LA MINERVE, 2 October 1843.
6. ST. CATHARINES JOURNAL, 12 October 1843.
7. LA MINERVE, 2 October 1843, noted that Cuvillier read the notice "En français".
8. LA MINERVE, 2 October 1843, reported Cuvillier as saying he had received the communication the 21st of August 1843.
9. LA MINERVE, 2 October 1843.
10. ST. CATHARINES JOURNAL, 12 October 1843.
11. The debate following the reading of this protest was reported by: ST. CATHARINES JOURNAL, 12 October 1843; LA MINERVE, 2, 5, 12 October 1843; L'AUREOLE, 3 October 1843; KINGSTON CHRONICLE, 30 September 1843, EXAMINER, 4 October 1843, and MONTREAL TRANSCRIPT, 3 October 1843, in identical accounts; MONTREAL GAZETTE, 2 October 1843 in an account identical to that of BRITISH COLONIST, 30 September 1843; and translated from the MONTREAL GAZETTE by LE CANADIEN, 2 October 1843, and by LE JOURNAL DE QUEBEC, 3 October 1843.
12. LA MINERVE, 2 October 1843. KINGSTON CHRONICLE, 30 September 1843, added that this was to be "followed by a motion that Mr. Murney, who stood highest on the poll when the election closed and who now stood at the bar of the House - should take his seat, subject to the future decision of the House, upon the petition of his opponents."
13. LA MINERVE, 2 October 1843.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. LA MINERVE, 5 October 1843.

26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. The debate on this withdrawn motion was reported in: LE CANADIEN, 2 October 1843, in an account identical to that in LE JOURNAL DE QUEBEC, 3 October 1843, translated from the MONTREAL GAZETTE, 2 October 1843, which is also identical to the account in the BRITISH COLONIST, 30 September 1843; LA MINERVE, 5 October 1843; L'AUREOLE, 3 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; KINGSTON CHRONICLE, 30 September 1843, EXAMINER, 4 October 1843, and MONTREAL TRANSCRIPT, 3 October 1843, in identical accounts. All the above sources agree that this motion was made and withdrawn in the context in which it has been inserted into the JOURNALS, instead of being placed in the daily Appendix as withdrawn motions usually are.
33. LA MINERVE, 5 October 1843.
34. KINGSTON CHRONICLE, 30 September 1843.
35. LA MINERVE, 5 October 1843.
36. BRITISH COLONIST, 30 September 1843.
37. LA MINERVE, 5 October 1843.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. KINGSTON CHRONICLE, 30 September 1843.
46. LA MINERVE, 5 October 1843.
47. IBID.
48. IBID.
49. IBID.
50. KINGSTON CHRONICLE, 30 September 1843.
51. The following notices were reported by: LA MINERVE, 5 October 1843; LE CANADIEN, 4 October 1843; L'AUREOLE, 3 October 1843; and in identical accounts in MONTREAL TRANSCRIPT, 3 October 1843, KINGSTON CHRONICLE, 30 September 1843, and EXAMINER, 4 October 1843. The references in the KINGSTON CHRONICLE were only general ones made to motions by "several members".
52. MONTREAL TRANSCRIPT, 3 October 1843.
53. IBID.
54. IBID.
55. LE CANADIEN, 4 October 1843.
56. The following notices by Mr. Christie were reported by: LE CANADIEN, 4 October 1843; and MONTREAL TRANSCRIPT, 3 October 1843, EXAMINER, 4 October 1843, and KINGSTON CHRONICLE, 30 September 1843, in identical

accounts.

57. MONTREAL TRANSCRIPT, 3 October 1843.

58. IBID.

59. IBID.

60. LA MINERVE, 5 October 1843.

FRIDAY, 29 SEPTEMBER 1843.¹

(6)

Report from
Librarian.

Mr. SPEAKER communicated to the House a Report, received from the Librarian, of the present state of the Library of the House, pursuant to a standing order of the 19th June, 1841.

(For the said Report, see Appendix C.)

Returns of
Baptisms.

Mr. Speaker also laid before the House General Statements and Returns of Baptisms, Marriages and Burials in the District of Gaspé, for the year 1841, and in the Districts of Quebec, Montreal and Three Rivers, for the year 1842, received from the Prothonotaries of the said Districts, in conformity to the Act of the Legislature of the late Province of Lower Canada, 6, Geo. IV., Cap. 8.

(For the said Statements and Returns see Appendix D.)

Nineteen Peti-
tions brought
up.

The following Petitions were severally brought up and laid on the table.

By the Honourable Mr. Dunn, the Petition of E. B. Gilbert, and other Inhabitants, of the City of Toronto.

By Mr. Williams, the Petition of the Municipal Council of the Colborne District, and the Petition of William Smart and others, inhabitants of the County of Durham.

(7)

By Mr. Boutillier, The Petition of the Municipal Council of the District of Saint Hyacinthe, (relating to the river Yamaska); the Petition of the Municipal Council of the District of Saint Hyacinthe, (relating to Foreign Agricultural Importations); the Petition of the Municipal Council of the District of Saint Hyacinthe, (relating to the Debts of the Municipality); the Petition of the Municipal Council of the District of Saint Hyacinthe, (relating to Division Courts); and the Petition of the Municipal Council of the District of Saint Hyacinthe, (relating to the Ordinance establishing Municipalities.)

By Mr. Thorburn, The Petition of the Municipal Council of the Niagara District, (relating to Agriculture); the Petition of the Municipal Council of the Niagara District, (relating to the limits of the District); the Petition of the Municipal Council of the Niagara District (relating to Sessional allowance to Members of Assembly); the Petition of the Municipal Council of the Niagara District (relating to Tavern Licenses); and the Petition of the Municipal Council of the Niagara District (relating to a Tax on Dogs).

By Mr. Simpson, the Petition of Effy M'Cuaig, widow of the late John M'Cuaig, of the Seigniori of New Longueuil.

By Captain Steele, the Petition of George Wilson and others, of Orillia and other Townships; the Petition of the Municipal Council of the District of Simcoe, (relating to Municipal Council and Common School Acts), and the Petition of the Municipal Council of the District of Simcoe, (relating to a permanent Road fund.)

By the Honourable Mr. Neilson, the petition of A. Simpson, and other Agriculturists of Quebec.

By Mr. Christie, the petition of John T. Caldwell and others, proprietors of vessels navigating the Gulf of St. Lawrence.

Resolutions on
Election Out-
rages read.

*On motion of the Honourable Mr. Neilson, second-
ed by the Honourable Mr. Attorney General Baldwin
Ordered, That the Resolutions of this House of
the 13th of September, 1841, relating to the out-
rages alleged to have been committed at the General Election in the
Counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly, and
Rouville, and also the entries relating thereto, of the 12th September,
1842, be now read.²*

Il s'en suivit quelques mots d'observation par l'hon. ROBERT BALDWIN, approuvant la proposition³.

Quelques phrases facétieuses ((vinrent)) de M. JOHNSTON.⁴

(7)

Matter referred
to Special Com-
mittee.

*The said Resolutions and Entries were read
accordingly.*

MR. NEILSON remarked, that it was incumbent upon the house to guard its privileges from violence and corruption, and all undue influence at elections; otherwise, the plan of a "responsible government" was a mere phantom.⁵

MR. BALDWIN, on the part of the administration, signified that every facility would be afforded to enquire into the riots alluded to, with a view of putting a stop to such outrages, the necessity for which had been forcibly impressed upon him in his own person.⁶

SIR ALLAN MACNAB ... fait remarquer que le sujet dont on se plaint est devenu bien vieux, qu'il était du devoir de la législature de s'en occuper dans le temps, et qu'il est assez étrange qu'après avoir laissé couler deux longues années sans rien faire, on songe tout-à-coup à raviver la chose et à procéder. On ferait bien mieux de rejeter une pareille proposition. Il pourrait nommer des personnes parmi celles qui prétendent poursuivre l'investigation, ou qui l'appuient, qui cependant étaient des instigateurs de la violence dont on se plaint.⁷

L'Hon. L. H. LAFONTAINE dit qu'il ne se propose pas pour le moment de discuter la question, qu'il sera assez temps de le faire lorsque le moment en sera venu; mais il ne doit pas laisser passer sous silence l'allusion que venait de faire le galant chevalier. Il devait, lui M. LaFontaine, le sommer de nommer les personnes auxquelles on venait de faire allusion. Il serait bon de s'entendre là-dessus, qu'on saurait à quoi s'en tenir, au lieu d'essayer de faire planer de vagues soupçons sur des individus que l'honorable membre serait peut-être lui-même en définitive fâché d'avoir ainsi accusés, et qu'ils avaient au moins le droit d'exiger qu'on ne les privât pas de l'occasion de se disculper, si en effet ils n'étaient pas coupables.⁸

SIR ALLAN MACNAB dit qu'il n'avait pas d'objection de les nommer, mais que cela n'était nécessaire à présent, et qu'il le fera lorsqu'il sera mieux préparé, et en temps plus opportun, si on l'exige.⁹

L'Hon. D. DALY dit en réplique quelques mots que nous n'avons pu entendre.¹⁰

(?)

Resolved, That a Special Committee, of nine Members, be appointed to investigate and report on the said alleged outrages, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Neilson, Sir Allan N. McNab, the Honourable Mr. Sherwood, the Honourable Mr. Viger, the Honourable Mr. Solicitor General Aylwin, Mr. Taché, Mr. Berthelot, Mr. Price, and Mr. Boutillier, do compose the said Committee.

DR. DUNLOP moved that Mr. Hincks, Mr. Dewitt, Mr. Cameron, and Mr. Merritt, be appointed a committee, to report upon the expediency of reducing the duties upon West India produce entering the St. Lawrence, upon the principle of reciprocity, with regard to the flour, lumber, &c., of Canada, entering the ports of the West Indies.¹¹ The hon. member stated that he had selected the names submitted to the house upon substantial grounds; Mr. De Witt having a thorough knowledge of the Montreal market, Mr. Hincks of finance, Mr. Cameron, of mercantile affairs and customs' duties, and Mr. Merritt of canals and transports, which had been the study of his life.¹² He wished to make some remarks, and claimed the indulgence of the House, if he should detain them longer than he was accustomed to do. The importance of the interests involved, led him to enter more fully into the subject than he would otherwise do. He considered that agricultural interests were the great and important - if not the only interests of the country. True, there were other interests, but upon our agricultural resources the prosperity of the country mainly depends; and it is a melancholy fact, that farmers¹³ for the last three years,¹⁴ were barely able to pay their servants from the sale of their surplus products¹⁵, much less get any return for their capital.¹⁶ They would be better employed with \$8 per month of wages. This Province,

however may be considered upon the threshold of a new era. Two changes are taking place - one indeed has already taken place - and the other is about to do so. The Mother Country, with unprecedented liberality has given us the power of imposing a tax upon foreign produce, and of applying it to our own advantage. It has been said in the English House of Commons that this measure had given the Colonists the power of taxing England for the benefit of Canada. There was no question but a change had taken place in our circumstances for the benefit of Canada. There was no question but a change had taken place in our circumstances for the better, but the benefit will in a great measure depend upon the ... manner in which we turn to account the advantages which we enjoy. With the wisdom of this Legislative Assembly it rests whether the law shall turn out a blessing or a curse. Upon the opening up of trade, and rendering that trade as free as possible, the advantages mainly depended. It was not the prohibiting of American corn from coming in that would have much influence upon the farmer, or conduce to the general interests of the Province. Those who viewed the subject in this light committed a serious mistake. The great question is, and ought to be, whether our vessels are to be employed in conveying the produce of a foreign country to the market, or a preference be given to American stripes by turning the trade of the country into those channels into which they alone will be employed. For the benefit of the Farmers, the imposition of prohibitory duties is a most mistaken policy. He regarded all such duties as the relics of a barbarous time. The age is gone by when shores are to be made, and barriers raised to circumscribe the trade of nations, and prevent it from leaving a prescribed channel, no matter how advantageous it might appear to do so. The answer given to Louis 14th by ((his minister)) who he asked, what can I do for you? contains an amount of knowledge of the true principles of Political Economy, which it would be well to attend to. "Leave us alone and we shall manage our affairs." Talk of restraining the sending in of goods. Nothing could be more absurd. It cannot be done. Commerce will find its level, and cross the line, no matter how it is hedged with enactments. Let us, however, endeavor, by the measure we introduce, to render Commerce as free as possible. It is in this spirit that the present proposition is made, and with a view to advance the general interests of the Province. The West India markets annually consume about 50,000 barrels of flour; if we could open up a trade with them, so that they would take our flour and lumber, &c., and we could get a return of their produce, it could not fail to be highly advantageous to both; and would be much more direct and cheaper than the present mode of obtaining the produce of the West Indies from the English markets. The duty upon flour in Jamaica is 6 shillings per quarter - 2 shillings of which goes to Her Majesty, and 4 to the Colony - the 2 Her Majesty has given up to us - but the 4 will still remain. Now this gives us only the advantage of eight pence per barrel over any other shipping. But what is this compared with the advantages those enjoy who ship from New Orleans? But if we could get proper arrangements made we could compete successfully with the vessels of the Mississippi. If the West

India Islands would lower their duties, and we ours, the Americans would be cut out; for their revenues are in such a state that they cannot afford to take off any portion of the duties of West India Produce. They may then make their Tariffs as high as they please. He (Dr. Dunlop) did not mean to bring in a bill upon the subject. All he asked for was a Committee of investigation; because he thought it a matter of importance, and that this would bring it to a head; so that if we are not prepared to legislate upon it this Session, we might, perhaps, be the next.¹⁷

SIR ALLAN MACNAB seconded the motion.¹⁸

MR. HINCKS said he did not rise to oppose the motion, but to state some reasons why it could not lead to any practical results. If he understood the mover right, it is that the Government of Canada should enter into a treaty with the Government of the West Indies. Now it is not within our power to do so. We have the power of imposing duties for the purpose of raising revenues, and he presumed the Government of Jamaica had the same; but with the Imperial Government alone rests the power of making those arrangements to which the motion refers. The hon. gentleman must be aware that it is not in our power to interfere with the scale of duties. There is a duty imposed upon sugar for the purpose of revenue; West Indian produce is protected to the extent of 5s. Sterling per cent., and we cannot change the relative duties. If Foreign countries can send it cheaper with the protection of 5s. they would do so at any rate. He could not see any beneficial results likely to arise from the motion, but would not oppose it.¹⁹

(7)

Duties on
Merchandise.

Resolved, That a Select Committee, composed of
Mr. Dunlop, Mr. De Witt, the Honourable Mr.
Hincks, Mr. Cameron, and Mr. Merritt, be

appointed to consider the practicability and expediency of reducing the duty on merchandize, the produce of the British West Indies, contingent on their making an equal reduction on Bread Stuffs, Provisions, Lumber, &c., the produce of Canada, and to report thereon from time to time, with power to send for persons, papers, and records.

Judges Inde-
pendence.

Ordered, That the Honourable Mr. Solicitor Gen-
eral Aylwin have leave to bring in a Bill to
render the Judges of the Courts of King's

Bench, in that part of this Province heretofore Lower Canada, independent of the Crown.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

New Commis-
sions.

Ordered, That Mr. Christie have leave to bring
in a Bill to save Public Officers the expense
of new Commissions on the demise of the Crown.

He accordingly presented the said Bill to the House, and the same was
received and read for the first time, and ordered to be read a second time
on Wednesday next.

Parliament
continuation.

Ordered, That Mr. Christie have leave to bring
in a Bill for continuing the Provincial Parlia-
ment in case of the death or demise of Her

Majesty, Her heirs and successors.

He accordingly presented the said Bill to the House, and the same
was received and read for the first time, and ordered to be read a second
time on Wednesday next.

Then, on motion of the Honorable Mr. Viger, seconded by Mr. Henry
Smith,

The House adjourned until Monday next.

APPENDIX, 29 SEPTEMBER 1843.

((NOTICE OF PROPOSED MOTIONS.))

SIR ALLAN MACNAB²⁰ moved that an humble address be presented to His Excellency the Governor General, praying that all the dispatches and communications between the Imperial and Provincial Governments relative to the Seat of Government, might be laid upon the table of the House.²¹

MR. HALE²² gave notice of his intention to ask a question from the Ministers whether it was their intention to introduce a Bill upon the subject of agricultural protection; and also, whether it was their intention to alter or repeal the Bankrupt ordinance of Lower Canada.²³

M. LAFONTAINE²⁴ donne avis de l'introduction d'un bill pour assurer la dette du ci-devant receveur-général du Bas-Canada.²⁵

((NOTICE OF MOTION RE: RESIGNATION OF PROVINCIAL SECRETARY HARRISON.))²⁶

MR. SHERWOOD gave notice, that he would move for information from the gentlemen on the treasury benches, whether the report in circulation regarding the resignation of one of the members of the cabinet was correct or not, and in the event of its being true, how the duties of the office were performed.²⁷

MR. BALDWIN said that the usual course was to leave a written note, and put the question in some definite shape; and hoped that such matters would not be taken up until after the speech from the throne had been answered.²⁸ After the report ... had been received, ... an answer would be given by the Government.²⁹

((PETITION PRESENTED FROM CALEDON RE: ALTERATIONS IN SCHOOL BILL.))³⁰

MR. PRICE presented a petition from the District Council of Caledon praying for certain alterations in the School Bill.³¹

FOOTNOTES - 29 September 1843.

1. The House began its sitting at 3 o'clock P.M. See ST. CATHARINES JOURNAL, 12 October 1843; KINGSTON CHRONICLE, 30 September 1843; and LA MINERVE, 2 October 1843.
2. The following debate was reported by: LA MINERVE, 5 October 1843; L'AUREOLE, 3 October 1843; and BRITISH COLONIST, 3 October 1843, in an account identical to that in MONTREAL GAZETTE, 3 October 1843.
3. LA MINERVE, 5 October 1843.
4. IBID.
5. BRITISH COLONIST, 3 October 1843.
6. IBID.
7. LA MINERVE, 5 October 1843.
8. IBID.
9. IBID.
10. IBID.
11. The debate on this motion was reported by: LA MINERVE, 2, 5 October 1843; LE CANADIEN, 4 October 1843; LE JOURNAL DE QUEBEC, 3 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; KINGSTON CHRONICLE, 30 September 1843; MONTREAL TRANSCRIPT, 3 October 1843, containing an account identical to but abbreviated from that in the KINGSTON CHRONICLE; and BRITISH COLONIST, 3 October 1843, in an account identical to that in MONTREAL GAZETTE, 3 October 1843.
12. BRITISH COLONIST, 3 October 1843.
13. KINGSTON CHRONICLE, 30 September 1843.
14. BRITISH COLONIST, 3 October 1843.
15. KINGSTON CHRONICLE, 30 September 1843.
16. BRITISH COLONIST, 3 October 1843.
17. KINGSTON CHRONICLE, 30 September 1843.
18. IBID.
19. IBID.
20. This notice was reported by: MONTREAL GAZETTE, 3 October 1843, and BRITISH COLONIST, 3 October 1843, in identical accounts; LE JOURNAL DE QUEBEC, 3 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; LE CANADIEN, 4 October 1843; LA MINERVE, 2 October 1843; and KINGSTON CHRONICLE, 30 September 1843, in an account identical to that in MONTREAL TRANSCRIPT, 3 October 1843.
21. KINGSTON CHRONICLE, 30 September 1843.
22. This notice was reported in: KINGSTON CHRONICLE, 30 September 1843, in an account identical to that in MONTREAL TRANSCRIPT, 3 October 1843; LA MINERVE, 2 October 1843; LE CANADIEN, 4 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; LE JOURNAL DE QUEBEC, 3 October 1843; and by BRITISH COLONIST, 3 October 1843, in an account identical to that in MONTREAL GAZETTE, 3 October 1843.
23. KINGSTON CHRONICLE, 30 September 1843.
24. This notice was reported in: KINGSTON CHRONICLE, 30 September 1843; LE JOURNAL DE QUEBEC, 3 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; LE CANADIEN, 4 October 1843; and LA MINERVE, 2 October 1843.
25. LE CANADIEN, 4 October 1843.

26. The following notice was reported by: KINGSTON CHRONICLE, 30 September 1843, in an account identical to that in MONTREAL TRANSCRIPT, 3 October, 1843; MONTREAL GAZETTE, 3 October 1843, and BRITISH COLONIST, 3 October 1843, in identical accounts; LE JOURNAL DE QUEBEC, 3 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; LE CANADIEN, 4 October 1843; and LA MINERVE, 2 October 1843.
27. BRITISH COLONIST, 3 October 1843.
28. KINGSTON CHRONICLE, 30 September 1843.
29. BRITISH COLONIST, 3 October 1843.
30. The presentation of this petition was noted by: LE CANADIEN, 4 October 1843; LE JOURNAL DE QUEBEC, 3 October 1843; EXAMINER, 4 October 1843; and KINGSTON CHRONICLE, 30 September 1843, in an account identical to that in MONTREAL TRANSCRIPT, 3 October 1843.
31. KINGSTON CHRONICLE, 30 September 1843.

MONDAY, 2 OCTOBER 1843.

(7)

Mr. SPEAKER informed the House that the Clerk of this House had received, from the Clerk of the Crown in Chancery, a certificate of the Election of a Member for the County of Rouville, in the room of William Walker, Esquire, who hath resigned his seat.

And the said certificate was read, and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery.
Kingston, 30th September, 1843.

Member elected
for Rouville.

This is to certify, that, in virtue of a Writ of Election, dated the fourth day of September instant, issued by His Excellency the Governor in Chief, and directed to the Returning Officer of the County of Rouville (H. Aubertin, Esquire), for the election of one Member for the said County of Rouville, in the room of William Walker, Esq., who since his election for the said County, had resigned his seat, Timothee Franchere, Esquire, has been returned as duly elected accordingly, as appears by the return of the said Writ (in the French language), dated the twenty-fifth September instant, which is lodged of record in my Office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

Trinity House,
Quebec.

Mr. Speaker laid before the House the accounts of the Corporation of the Trinity House, Quebec, received in conformity to the 20th section of the Act 4 and 5 Victoria, cap. 15.

(For the said accounts, see Appendix E.)

Forty-six Pe-
titions brought
in.

The following Petitions were severally brought up and laid on the table:--

By Mr. McLean--The Petition of Adam Johnston and other inhabitants of the Third Concession of the Township of Cornwall, in the Eastern District.

By Captain Steele--The Petition of Edward Ryall and other inhabitants of the Township of Oro; and the Petition of John Craig and other inhabitants of the County of Simcoe.

(8)

By Mr. Cameron--The Petition of the Municipal Council of the District of Bathurst (relating to a main road from Pitaroy Harbour to the Lake Des

Allumets); the Petition of the Municipal Council of the District of Bathurst (relating to the collection of the Township rates); the Petition of the Municipal Council of the District of Bathurst (relating to a road from Perth to Kingston); the Petition of the Municipal Council of the District of Bathurst (relating to its meetings); the Petition of the Municipal Council of the District of Bathurst (relating to a main road from the southern to the northern extremity of the said District); the Petition of the Municipal Council of the District of Bathurst (relating to Shops and Tavern Licenses, &c.); the Petition of John Russell, and others, Common School Teachers, in the Township of Bathurst in the District of Bathurst; and the Petition of James Greig and other inhabitants of the Township of Ramsay, in the District of Bathurst.

By Mr. Child--The Petition of Uriah Jewett and other inhabitants, of the County of Stanstead; and the Petition of Alexander Kilborne and other inhabitants, of the County of Stanstead.

By Mr. Taché--The Petition of Jean Baptiste Miville de Chêne, of the Parish of La Sainte Famille, in the Island of Orleans, and the Petition of Alexander Fraser, of the Parish of St. Valier.

By Mr. Leslie--The Petition of Jean Durocher, of the Parish of Saint Mathieu de Beloeil; the Petition of Mrs. Elizabeth M. Reid and other Directresses of the Protestant Orphan Asylum of Montreal, (relating to an Act of Incorporation); and the Petition of Mrs. Elizabeth M. Reid and other Directresses of the Protestant Orphan Asylum of Montreal (relating to an aid in support of the said Asylum).

By Sir Allan N. Macnab--The Petition of Archibald Petrie, and other Electors of the County of Russell, in the District of Ottawa.

By Mr. Holmes--The Petition of P. C. Valois, and other inhabitants of the Parish of Lachine, and other places; the Petition of the Bank of Montreal; and the Petition of William Macintosh, and other inhabitants, of Lower Lachine.

By the Honourable Mr. Hincks--The Petition of Thomas M'Lean, and other inhabitants, of the Township of Zorra East.

By Mr. Christie--The Petition of Charles Cunningham and others, of the City of London, in England.

By Mr. Morris--The Petition of the Municipal Council of the Johnstown District, (relating to the Municipal Council Act); the Petition of the Municipal Council of the Johnstown District, (relating to Education); the Petition of the Municipal Council of the Johnstown District, (relating to a Macadamized Road from Brockville to St. Francis); and the Petition of Cyprian Morgan, of the Township of Yonge, in the Johnstown District.

By Mr. Thorburn--The Petition of Henry Smith, Warden of the Provincial Penitentiary; the Petition of George Rykert and others, late Boundary Line Commissioners for the Niagara District; and the Petition of Peter Lampman and Adam Stull, of the Township of Grantham, in the Niagara District.

By Mr. Berthelot--The Petition of the Municipal Council of the District of Kamouraska.

By Mr. Papineau--The Petition of the Municipal Council of the District of Sydenham; the Petition of D. M'Lean and others, of the Township of Buckingham, in the District of Sydenham; and the Petition of Alanson Cooke and other inhabitants of the Seignior of Petite Nation, in the District of Montreal.

By the Honourable Mr. Solicitor General Aylwin--The Petition of Joseph Laurin and others, of the City of Quebec, Censitaires, on the Domain of the Crown; the Petition of Francois Cinq Mars and other Pilots, for and below the Harbour of Quebec; and the Petition of Narcisse Arcand and others, Pilots, for and below the Harbours of Quebec and Montreal.

By the Honourable Mr. Attorney General Lafontaine--The Petition of Charles Doan and others, of the Fourth Riding of York.

By the Honorable Mr. Sherwood--The Petition of George T. Denison, Junior, and others, of the City of Toronto; and the Petition of William Leonard, of New Carlisle, in the County of Bonaventure, in the District of Gaspé.

By Mr. Dunlop--The Petition of Robert Modiswell and others, of the Township of Goderich, in the Huron District.

By the Honourable Mr. Neilson--The Petition of Miss Margaret Kerr and others, Managers of the Male Orphan Asylum of Quebec.

By Mr. George Sherwood--The Petition of P.D. Fraser and others, free-holders of the District of Ottawa.

By Mr. Quesnel--The Petition of the Reverend Pierre M. Mignault, Founder and Superior of the College of Chambly; and the Petition of Mrs. M. F. Viger, and other Directresses of the Catholic Orphan Asylum, of Montreal.

Petitions read.

Pursuant to the order of the day, the following Petitions were read:

St. Andrew's Church, Quebec.

Of the Minister, Elders, and Trustees, of the Saint Andrew's Church, Quebec; praying aid for a School, established in connection with the said Church.

National Schools, Quebec.

Of the Reverend George Mackie and others, the Managing Committee of the National Schools at Quebec; praying aid for the same.

C. M. Hyndman.

Of C. M. Hyndman, Keeper of the Court House, and Crier of Her Majesty's Court of Judicature, in the District of St. Francis; praying to be put on the same footing as the Keepers of Court Houses and the Criers of the Courts in other Districts.

E. B. Gilbert.

Of E. B. Gilbert, and other Inhabitants, of the City of Toronto; praying for certain amendments to the Act of Incorporation of the said City.

Colborne District.

Of the Municipal Council of the Colborne District; praying that the whole of the County of Peterborough may be represented in the Provincial Parliament by one Member.

Wm. Smart,
County Durham.

Of William Smart and other Inhabitants of the County of Durham; praying that a duty be imposed on all Produce coming into this Country from the United States.

Dist. Council
St. Hyacinthe.

Of the Municipal Council of the District of St. Hyacinthe; praying for the improvement of the River Yamaska, the cost of improving which has been estimated at £26,000 Currencoy, by A. Stevenson, Esquire, under an Act of the late Province of Lower Canada.

Do.

Of the Municipal Council of the District of St. Hyacinthe; praying that high protecting duties may be imposed on all Foreign Agricultural Produce susceptible of being raised in this Province.

Do.

Of the Municipal Council of the District of St. Hyacinthe; praying that provision be made for the payment of certain expenses incurred by the said Council; and that, if the Law establishing such Councils be continued in force, their powers may be more clearly defined.

Do.

Of the Municipal Council of the District of St. Hyacinthe; praying the re-establishment of Commissioners Courts, with jurisdiction to £10 Sterling.

Of the Municipal Council of the District of St. Hyacinthe; praying for certain amendments to the Municipal District Law, and that the School moneys allowed by the Province be placed under the control of the Councils.

Niag. District.

Of the Municipal Council of the Niagara District; praying that a duty be levied on all Agricultural produce coming into this Province from the United States.

(9)

Do.

Of the Municipal Council of the Niagara District; praying that the Boundary Line between the said District and the District of Gore, which runs through the Indian Reservation, be defined and established.

Do.

Of the Municipal Council of the Niagara District; praying that the amount collected in the said District, in 1841, for the payment of the Sessional allowance of Members of the Legislative Assembly, be refunded and placed at its disposal.

Do.

Of the Municipal Council of the Niagara District; praying that certain License monies levied in the District, be placed at the disposal of the said Council for the uses of the District.

Do.

Of the Municipal Council of the Niagara District; praying for power to impose a Tax on Dogs in the said District.

Effy McCuaig.

Of Effy McCuaig, Widow of the late John McCuaig of the Seigniory of New Longueuil; complaining of the encroachment of the Township of Lancaster on her Land, in the Seigniory of Longueuil, and praying relief.¹

Mrs. McQuade (sic), being unable to write, had signed with the mark of a cross.²

Il s'élève une discussion sur la question de savoir si une pétition signée d'une ou plusieurs croix est suffisante ou non, discussion à laquelle prennent part Messrs. SIMPSON, SHERWOOD, LAFONTAINE, SIR ALLAN MACNAB, pour, et Messrs. JOHNSTON et NEILSON contre.³

Le DR. DUNLOP fait remarquer que la pétition est suffisante ainsi, pourvu que Mr. Simpson qui la présente la signe également afin de constater qu'elle est la vraie requête des pétitionnaires.⁴

MR. SIMPSON dit qu'il n'est pas nécessaire qu'il la signe, en autant que les registres de la Chambre feront foi sur ce point.⁵

MR. CHRISTIE combat M. Neilson, et dit que la pétition est dans les formes et qu'elle doit être reçue (sic).⁶

La pétition est admise.⁷

(9)

Geo. Wilson
& others.

Of George Wilson and others of Orillia, and other Townships; praying for the construction of a Road from Lake Huron to Lake Ontario by the way of Lake Simcoe.

Dist. Council,
Simcoe.

Of the Municipal Council of the District of Simcoe; praying for certain amendments to the Municipal Council and Common School Acts.

Do.

Of the Municipal Council of the District of Simcoe; praying that the moneys arising from Licenses and Fines in the District may be applied to the establishment of a permanent Road Fund in the said District.

A. Simpson & others.

Of A. Simpson, and other Agriculturists, of Quebec; praying that the "Quebec Turnpike Act" may be so amended as to allow Carts laden with manure to pass through free of Toll.

J. T. Caldwell & others.

Of John T. Caldwell and others, Proprietors of Vessels navigating the Gulf of St. Lawrence; praying a reduction of the taxes and dues now levied at Quebec, on Vessels engaged in the coasting trade and navigating the said Gulf of St. Lawrence.

Petition referred--A. Simpson & others.

*Resolved, That the Petition of A. Simpson and other Agriculturists of Quebec, be referred to a Special Committee of five members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.*⁸

L'Hon. MR. NEILSON propose, secondé par L'Hon. MR. AYLWIN, que les voitures de fermiers chargées d'engrais pour leurs terres, soient exemptes des droits de péage aux barrières.⁹

MR. LESLIE fait remarquer la convenance d'étendre cette disposition à toute la province.¹⁰

((Suivent)) quelques mots à l'appui par SIR ALLAN MACNAB ¹¹.

On passe à la nomination d'un comité pour faire rapport sur ce sujet.¹²

(9)

Ordered, That the Honourable Mr. Neilson, Mr. Berthelot, Mr. Christie, Mr. Derbshire, and Mr. Hale, do compose said Committee.

Ordered, That it be an instruction to the said Committee to consider the propriety of extending the same exemption to the whole Province.

J. T. Caldwell & others.

*Resolved, That the Petition of John T. Caldwell and others, proprietors of Vessels navigating the Gulf of St. Lawrence, be referred to a Special Committee of seven members, to examine the contents thereof, and to report thereon from time to time, with power to send for persons, papers, and records.*¹³

Quelques observations à l'encontre ((sont faites)) par SIR ALLAN MACNAB ¹⁴.

((Messrs. NEILSON et VIGER appuient la résolution.))¹⁵

(9)

Ordered, That Mr. Christie, the Honourable Mr. Moffatt, Mr. Cameron, Mr. De Witt, the Honourable Mr. Hincks, Mr. Holmes, and the Honourable Mr. Neilson, do compose the said Committee.

Effy McCuaig. Resolved, That the Petition of Effy McCuaig, widow of the late John McCuaig, of the Seigniorie of New Longueuil, be referred to a Select Committee, composed of Mr. Simpson, the Honourable Mr. Morin, the Honourable Mr. Solicitor General Aylwin, Mr. Forbes, Mr. J. S. Macdonald, Mr. McLean, and Mr. Chesley, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers and records.

Duties on mer- Ordered, That the Honourable Mr. Moffatt, Mr. chandize. Forbes, and Mr. Leslie, be added to the Select Committee appointed to consider the practicability and expediency of reducing the duty on Merchandize, the produce of the British West Indies.

Le DR. BOUTHILLIER¹⁶ propose qu'il émane un nouveau writ pour le comté de Chambly.¹⁷

SIR ALLAN MACNAB ... prétend que M. Yule n'avait pas le droit de résigner, parce que son siège était contesté.¹⁸ ((II)) demande si un membre peut résigner lorsqu'il y a une accusation pendante contre lui.¹⁹

Le Solliciteur-général ((MR.)) AYLWIN répond qu'il n'y a pas eu d'accusation contre M. Yule.²⁰ ((II)) appuie la motion, disant qu'il est temps que le writ émane, si on ne veut pas priver davantage le comté du bénéfice (sic) de la représentation, que tous les membres qui avaient été ainsi élu au moyen de la violence se trouvaient dans une position toute particulière, et qu'il devait leur être permis de résigner des sièges qu'ils savaient, que tout le monde savait ne pas leur appartenir.²¹

M. D. B. VIGER parle dans le même sens²².

Ainsi ((parle)) le DR. BOUTHILLIER²³.

M. QUESNEL ajoute que le principe selon lequel il n'est pas permis à un membre dont l'élection est contestée de résigner ne peut s'appliquer au cas de M. Yule, contre lequel personnellement il n'est rien allégué. C'est quand les membres eux mêmes sont accusés individuellement (sic) de conduite illégale, d'avoir provoqué ou partagé la violence commise à l'élection qu'il est bon de ne pas leur permettre de résigner, afin que les vrais coupables n'échappent pas à leur responsabilité. Mais que dans le cas actuel, les choses sont bien différentes. M. Yule serait déchu de son siège par suite d'une enquête, que, aux termes des pétitionnaires, il ne pourrait lui être rien fait.²⁴

M. BALDWIN fait remarquer qu'il se pourrait, qu'on pétitionnât dans ce sens, mais que le but ou la conséquence immédiate d'une investigation n'est pas de priver un membre de son siège pour y installer un autre membre, quoi qu'elle (sic) puisse trouver ce résultat; mais de s'assurer si tous les procédés, si tous les fruits qui se rattachent à l'élection sont d'accord avec la loi, et de faire porter la peine de la loi à celui qui l'a violée. Dans le cas de résignation dont il s'agit, un writ pour nouvelle élection peut donc être émané sans inconstance.²⁵

M. NEILSON dit que l'objet de la législation en pareil cas devait être d'empêcher qu'une des parties pût entrer au sein de la Chambre au moyen de la violence. Que si M. Yule avait été élu par la violence, il ne pouvait pas y avoir de doute sur la convenance ou sur le résultat de la perte de son siège.²⁶

(9)

On motion of Mr. Boutillier, seconded by Mr. Derbishire,

*New Writ for
Chambly.*

Ordered, That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new writ for the election of one member, to serve in the present Provincial Parliament, for the County of Chambly, in the room and place of John Yule, Esquire, resigned.

On motion of the Honourable Mr. Morin seconded by the Honourable Mr. Solicitor General Aylwin,

*Speech con-
sidered.*

Ordered, That the order of the day for taking into consideration the Speech of His Excellency, the Governor General, delivered to both Houses of the Provincial Legislature at the opening of the present Session, be now read.²⁷

L'Hon. M. MORIN ((dit)) ... que ce sujet suscitait des difficultés pour procéder aux affaires jusqu'à ce qu'il fut terminé.²⁸

SIR ALLAN MACNAB s'y oppose, disant qu'on doit commencer par l'ordre du jour qui soit (sic) occuper la première place dans le cours de la routine. Qu'il n'est rien de plus important que de procéder franchement, et selon l'ordre des matières devant la Chambre.²⁹ He wished to see all constituencies fairly represented in the House, and thought that in conformity with the practice of the House of Commons, the case of Mr. Murney should be taken up first; and he regretted that the Hon. Attorney General did not give his assistance to bring it before the House. He felt so much respect for the Governor General as any one but neither for him nor any other man would he sacrifice the privileges of this House. If Mr. Murney had a right to his seat he ought to get it. He might be in a minority, but that did not make wrong right. He wished the subject fairly examined, and of course would bow to the majority of the House.³⁰

L'Hon. M. BALDWIN croit que si le comté de Hastings était en effet représenté, que si le monsieur qu'on disait avoir eu une majorité pouvait réclamer cette majorité comme celle des électeurs du comté et qu'il fût élu, à la bonne heure! on pourrait envisager la question comme la première privilégiée, mais il n'en est pas ainsi. Il n'y a pas d'élu, il ne peut pas y en avoir. Conséquemment le siège pour Hastings est vacant, personne n'a droit de l'occuper. Une observation que lui M. Baldwin désire faire à l'honorable membre, avant de terminer, c'est qu'il faut répondre au discours avant de pouvoir s'occuper d'autres affaires. Il serait impossible qu'on ne désirât plus, sur bien des questions se mettre en rapport avec le gouvernement, et comment le faire avant qu'on ait rempli le premier devoir? Il ne peut donc, lui M. Baldwin, acquiescer à la proposition de l'honorable chevalier, qui devrait savoir aussi bien que qui que ce soit que la transposition dans les ordres du jour est d'une occurrence journalière. Chaque sujet inscrit au programme est ordre du jour, et rien n'empêche la Chambre d'aborder le premier celui qu'elle veut.³¹

L'Hon. M. NEILSON croit que pour faciliter les procédés et les affaires devant la Chambre, il convient effectivement de disposer tout de suite du discours.³²

MR. JOHNSTON thought they might dispose of the address immediately, as five minutes would settle it. He saw nothing to object to do it, but he considered fair play a jewel, and would advocate giving the hon. member a seat on the floor of the house.³³

M. Johnston ... est deux fois rappelé à l'ordre et réprimandé par M. le président ((CUVILLIER)).³⁴

(9)

The said order of the day for taking into consideration the Speech of His Excellency, the Governor General, delivered to both Houses of the Provincial Legislature, at the opening of the present Session, being read,

The House proceeded, accordingly, to take the said Speech into consideration.

L'Hon. D. B. VIGER³⁵ dit qu'il s'estime heureux d'avoir à remplir une tâche aussi agréable que celle de proposer des résolutions comme celles qu'il tient à la main. Il regarde le discours d'ouverture de Son Excellence auquel elles se rapportent comme étant de la plus haute importance. Mais avant d'aller plus loin, il doit lire ce qu'il va présenter comme réponse à ce discours; il veut suivre la même marche que l'année dernière, et faire part d'abord de la motion dont il s'agit.³⁶

(9)

On motion of the Honourable Mr. Viger, seconded by Mr. Merritt,

Address in an-
swer to Speech.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to thank His Excellency for His Gracious Speech from the Throne;

To congratulate His Excellency upon his assumption of the Government of this Province, and to assure His Excellency, that our knowledge of His Excellency's political career, previously to his arrival amongst us, offers the happiest promise of a prosperous administration of the affairs of this great Province under His Excellency's Government;

To express to His Excellency our confidence that the delay which has occurred in summoning the Provincial Parliament, has arisen from considerations of great importance;

To assure His Excellency that, with truly loyal feelings, we rejoice at the birth of a Royal Princess, and feel deep gratitude to Divine Providence for the protection vouchsafed to our beloved Queen, whose life and health are blessings to Her Majesty's subjects throughout Her extensive dominions;

That we participate in the feeling of universal regret caused by the demise of His Excellency's immediate predecessor, and that we duly appreciate the respect paid to his desolate widow and family, and to his mortal remains, by the citizens of the neighbouring Republic, which indicated both the esteem in which he was held in a country in which he had been personally well known, and also a generous sympathy, worthy of a great nation;

That we fully appreciate the care of our Most Gracious Sovereign, for the welfare of Canada, as evinced in Her Majesty's assent to the Act of the Imperial Legislature, which facilitates the introduction of Canadian Wheat and of Flour prepared in Canada, into the Ports of the United Kingdom, and that we feel that this Legislative measure is a valuable boon to this Province, and that we will receive with great pleasure a communication of the Despatch of Her Majesty's Secretary of State on this interesting subject;

That we will consider with the most unremitting attention, all means of improvement of the system of Judicature in Lower Canada, of the

(10)

Municipal Institutions, of the Laws relating to Education, and of the Jury Systems of both divisions of the United Province, and of the Assessment Laws in Upper Canada, and that our earnest consideration will be devoted to these, and the other important subjects to which our attention may be called;

That we fully appreciate His Excellency's desire of becoming acquainted with local circumstances in Canada, which induced His Excellency to make a tour throughout the Province;

That we participate in His Excellency's gratification in seeing a fine country evidently advancing in improvement, and that we are grateful for His Excellency's notice of the manifestations of loyalty to our

Gracious Sovereign and of personal kindness to himself, which have met His Excellency everywhere in his progress throughout the Province;

That we are much gratified that His Excellency has witnessed with satisfaction the great Works in progress, which the Province, by means of the Loan raised under the guarantee of the Imperial Government, has been enabled to prosecute, and that we join His Excellency in the hope that these great undertakings will extend the commerce and develop the resources of this vast Country, as well as increase the Public Revenue, and general and individual wealth;

That we are fully aware, that while these great works promote public prosperity and produce contentment in their own localities, improved Roads in the interior of the Province, for the conveyance of the produce of the Country to appropriate Markets, are also of considerable importance, and we unite with His Excellency in the regret that the state of the Public Finances does not afford any immediate prospect of Parliamentary Aid to construct new internal communications; that we rely, however, on the energies of the people themselves to obviate temporary inconvenience, and that we will cordially unite with His Excellency in his efforts to alleviate the evils complained of by the Agricultural population;

That we fully and cordially concur in His Excellency's observations regarding the Prisons in this Province, and we humbly thank His Excellency for the active benevolence which has led His Excellency to call our attention to the amelioration of the condition of the friendless and destitute criminal, as well as to the promotion of prosperity and happiness amongst the more favoured of Her Majesty's subjects, and that we cordially assure His Excellency that we shall devote our attention to the state of the Prisons in the Province, with a view to ameliorate the condition of their unhappy inmates, from a feeling of Christian duty;

That those who are visited with mental aberration in Lower Canada, being now confined in the common prisons, or in some of the Religious or Charitable Institutions, which do honour to that portion of the Province, we feel, with His Excellency, that the establishment of a Lunatic Asylum there, is much required, and we are happy to learn from His Excellency, that measures are in progress for the permanent location of an Asylum for the Insane in Upper Canada, and for the completion of the arrangements of that Institution;

That we will give our best consideration to the Accounts for the past, and the Estimates for the present year, which will be laid before us by His Excellency; that we are concerned to learn from His Excellency, that there is a considerable decrease in the revenue, but that we hope that it proceeds from temporary causes, and that it will be followed by a greater increase; That we are happy to learn, from His Excellency, that the loan obtained in England, under the guarantee of the Imperial Government, has been raised on advantageous terms;

That we will take into our most attentive consideration the Act of the Imperial Legislature, prescribing a new Tariff, and also such measures as may be requisite for a corresponding alteration in our Customs

Lawe, and that His Excellency may rely on our readiness to co-operate with him in providing for the exigencies of the Public Service, as far as is consistent with a practicable and judicious economy;

That we shall devote ourselves to the arduous duties required of us, as a Legislative body on whose deliberations the welfare of our Country so much depends, and will give our unremitting attention to the important questions which will come before us; That we thank His Excellency for the expression of the anxious desire of Her Majesty's Government, and of His own, for the welfare of Canada, and humbly hope that the blessing of Almighty God will crown our united efforts with success.

L'Hon. D. B. VIGER - Un événement bien douloureux s'est accompli depuis la dernière session du parlement provincial, la mort de sir Charles Bagot, arrivée au début même de sa carrière en Canada, carrière qui fut courte, à la vérité, mais en même temps honorable pour lui, et d'une importance qu'il serait impossible aux amis du bon gouvernement de ne pas apprécier, et à tous les partis de ne pas reconnaître au moins virtuellement, sinon ouvertement, à cause de la proclamation des principes, et de l'accomplissement des faits dont cette belle carrière fut marquée. Quel homme mieux que Son Excellence le Gouverneur Général pouvait apprécier une aussi noble carrière, lui qui en a sourni (sic) une si brillante à la Jamaïque, où son amour de la justice, sa sollicitude pour le mieux-être de ceux sur lesquels il était appelé à gouverner, ont laissé dans des coeurs reconnaissants, plus encore que sur le marbre inanimé, des monumens impérissables. Qu'il était sûr, lui M. Viger, qu'il n'y avait pas un seul membre de la Chambre qui ne se joignit de bon coeur à Son Excellence, et ne révérait la mémoire de sir Charles Bagot, gravée aussi elle dans tous les coeurs généreux et amis de leur pays. Un an s'était à peine écoulé depuis le déplorable événement, et le souvenir en était encore trop frais dans l'esprit de chacun pour qu'on n'en ressentît pas aujourd'hui la plus vive douleur. Oui, il y a un an à peine que sir Charles Bagot, venu dans le pays alors divisé par les plus violentes factions, en proie à leurs machinations, malheureux, désespéré, se vit appelé par une providence dont il faut respecter les décrets à comparaître devant le souverain tribunal, pour y recevoir la juste récompense de ses bienfaits, de bienfaits dont il était à la veille lui-même de goûter ici les fruits, de concert avec tout un peuple. S'il est cependant une pensée consolante, c'est de savoir qu'il ne quitta pas cette vie sans avoir eu l'occasion de se convaincre lui-même de l'extension du bien qu'il avait fait et pour la colonie et pour sa métropole, par les heureux résultats qui avaient déjà couronné ses oeuvres. Serait-il bien possible qu'on pût jamais les méconnaître? Non, ou du moins ce ne sera pas cette Chambre, si elle tient à l'honneur de représenter le peuple. Il doit maintenant, lui M. Viger, passer aux paragraphes subséquents du discours. Son Excellence appelle l'attention à l'acte adoptés (sic) récemment par la législature impériale, et qui a pour but de faciliter l'introduction des grains canadiens et des farines préparées au Canada dans les ports de la Grande Bretagne. Que c'est là une mesure qui paraît calculée à devenir une source

de prospérité publique. Le perfectionnement du système judiciaire dans le Bas-Canada, des institutions municipales, de la loi relative à l'éducation publique, du système de jury dans les deux sections de la province, et autres sujets importants, voilà certainement des propositions du plus grand intérêt et qui, il faut l'avouer, offrent aux ministres du pays un ample champ de réformes, et de lauriers à cueillir. Chacune de ces matières est digne des plus hautes considérations. Le moment de les faire n'est cependant pas encore arrivé. Il suffit d'ailleurs qu'elles soient simplement indiquées pour que de suite, et pour peu qu'ont (sic) ait de lumières, on en puisse saisir toute la portée. On doit reconnaître que la judicature en particulier, quant au Bas-Canada, est dans un état tel qu'on ne saurait, sans la plus grande injustice, la continuer ainsi davantage. Elle n'est propre qu'à créer l'incertitude dans l'esprit public, la défiance, le mécontentement et c'est aussi le devoir du gouvernement comme de la société de veiller à ce que la corruption ne puisse régner. Des institutions municipales en rapport avec les principes qui doivent les régir, et des (sic) besoins du peuple, sont depuis longtemps désirées dans le Bas-Canada qui a répudié celles qu'on a tenté d'y établir, parce qu'elles violaient dans leur organisation et leur conduite le premier de ces principes, et parce qu'elles lui étaient imposées comme venant d'une source qui lui était non-seulement étrangère, mais adverse. L'éducation demande de prompts secours et si d'un côté on doit reconnaître que le gouvernement actuel a prouvé combien il désire y apporter un remède efficace, on doit, de l'autre, avouer que ses moyens ne pourraient pas seuls, dans les circonstances actuelles, suffire aux besoins de la province. Espérons cependant que sa mesure sera à la hauteur des exigences actuelles. Je manquerais à mon devoir, si je ne m'arrêtais un instant aux paragraphes où Son Excellence a consigné l'expression de la satisfaction qu'il a éprouvée dans son tour à travers la province, à la vue de ses progrès, de sa loyauté partout manifeste, et des marques d'attention qu'il en a reçues et qu'il méritait en effet; où il témoigne de son vif intérêt pour les améliorations publiques et le développement de nos ressources; où tout jusqu'à l'état des prisons, jusqu'à présent si négligé dans bien des cas, et l'établissement d'un asile pour ceux de nos semblables qui peuvent être atteints d'aliénation mentale, où tout, dis-je, attire l'attention bienveillante de Son Excellence. Ce sont là, certes, des sujets qui, après ceux de premier ordre par lesquels Son Excellence a débuté, devaient en effet se présenter à l'esprit de l'homme d'état dans la sphère d'action qui lui est échue, d'un homme qui, comme sir Charles Metcalfe, on doit le dire, jouit à juste titre d'une si belle renommée, d'une réputation européenne, fruit de longs travaux et d'une conduite pleine de dévouement et de sagesse. Il a servi son pays dans les deux hémisphères avec un rare bonheur. A la Jamaïque, qu'il a trouvée en proie à la discorde, après de longues années d'esclavage, il a su ramener la paix et l'espoir. Il y a concilié des partis qui paraissaient inconciliables, et a tracé en quelque sorte la ligne de démarcation entre les exigences d'hommes à peine sortis de l'esclavage pour entrer de plein pied sur le sol sacré de la liberté,

prêts sans doute à en abuser, et les prétentions d'hommes qui non-seulement avaient de tout temps été faits aux allures libres, mais accoutumés également de se faire craindre et obéir. Sir Charles Metcalfe, quels que pussent être ses préjugés dans cette tâche difficile, a fait voir au monde qu'ils ne pouvaient rien (sic) sur lui. Dans ces élémens divers d'où devait naître son oeuvre, il ne voyait que l'homme; et ce fut pour lui un devoir bien doux de lui donner la liberté. Il mit à leur place l'homme et le droit. Il fut le bienfaiteur de ce pays, et du gouvernement, puisqu'il y rétablit l'ordre, et y cimentait l'union avec la métropole, en y faisant régner la morale, les lois et la sécurité, sans lesquelles il ne peut y avoir pour la société, ni prospérité, ni bonheur. L'honorable membre (lui M. Viger), dit qu'il ne doit pas terminer sans aborder un autre sujet sur lequel le discours d'ouverture appelle l'attention et pour lequel il convient de témoigner toute la reconnaissance de cette Chambre; il veut faire allusion au système de jury. C'est pour la première fois qu'une administration du pays donne son attention à ce sujet, sujet si important et qui est une des grandes bases du gouvernement constitutionnel. On ne peut nier que le pouvoir confié par la législature à des officiers publics de présider aux choix et à l'organisation des jurés n'ait besoin d'être clairement défini et restreint dans ses limites naturelles. Le droit d'être jugé par ses pairs en est un que l'on doit toujours regarder d'un oeil jaloux. Il est temps d'en régler l'exercice de manière à ce que les abus ne puissent s'y glisser. Le système de jury qui règne ici depuis trop longtemps serait, en Angleterre, regardé comme une monstruosité; c'est par lui qu'on a pu la (sic) refaire l'édifice social, là où sont respectés (sic) tous les droits du peuple qui font de la nation anglaise la première nation, parce que c'est là que règne le plus de justice, que la liberté individuelle compte le plus de garanties. L'expérience a fait voir tout ce que peut l'injustice quand la société est livrée aux passions. Alors on compte pour rien le sacrifice de la liberté et de la vie des citoyens. En fait de matières pénales quel autre peuple que l'Angleterre peut se vanter d'être aussi bien partagé? Là au moins le citoyen est à l'abri des persécutions. Là le jugement qu'il attend de ses concitoyens est consciencieux, c'est son pays qui l'absout ou le condamne; là il n'est aucun moyen d'étouffer le cri de la conscience publique. La loi a son cours plein et entier. L'honorable orateur termine son discours, que nous n'avons pu du reste tout saisir, en faisant comprendre qu'on ne saurait trop témoigner de reconnaissance envers Son Excellence et le gouvernement pour un discours aussi éminemment important pour les intérêts publics et qui, par les mesures de réformes qu'il indique en particulier fait encore bien augurer de celles qu'il promet généralement. Il fait ensuite allusion à ce qu'a dit récemment sir Robert Peel dans la chambre des communes et conclut en disant qu'il est du devoir de chaque membre de cette Chambre de faire voir à Son Excellence qu'ils savent apprécier d'aussi graves sujets que ceux qu'il leur présente, et y répondre en citoyens vertueux.³⁷

MR. MERRITT said, in seconding the resolutions introduced by my hon.

and learned friend, Mr. Speaker, I feel it my duty to make a few remarks on those measures not alluded to by the hon. mover, leaving the defence of the general policy of the Government in more able hands, if an occasion should arrive. To the first resolution no possible objection can be offered. The second congratulates His Excellency upon his assumption of the Government of this Province. Sir, at no period of our history had there been a greater appearance of unanimity by all parties in every section of the Province, than in the appointment of Sir Charles Metcalfe; no cause has since occurred to change that opinion, and I feel confident every hon. member will give it his real hearty support. The third, expresses our confidence that the delay which had occurred, in summoning the Provincial Parliament arises from considerations of great importance. - Some opposition may be anticipated to this resolution. At the late Session very few measures were adopted; an early Session was promised; the inhabitants have been looking for it with some impatience; the reason assigned for the delay, the protracted illness of our late lamented Governor General, its melancholy termination, the time necessarily required in appointing a successor, were by no means satisfactory to the intelligent portion of the country; no good Government, say they, should be subject to this interruption - the Constitution appoints a Lieut. Governor, and no delay should arise in the transaction of public affairs. I have but one answer to make to every objection that may be urged on this subject, and that is, the Government required time to communicate with the Home Government. They have now no excuse to make, and as their continuance in Office will depend on the measures they have originated, matured, and will carry into operation, it would be ungenerous to object to the delay, until we understand, what it has produced. On this ground alone, they have a right to the support of this House. The fourth relates to the Birth of a Princess, and the continued Health of Her Majesty. We have the best proof of the soundness of her Majesty's health, and the buoyancy of her spirits, the last advices give us the news of her recent trip to merry France, where she has been enjoying herself, and no part of her subjects can feel more gratified in the event, than her faithful commons of Canada. The fifth, is of a more grave character it expresses our participation in the universal regret caused by the demise of our late lamented Governor General. I will not dwell on this subject, which has been so feelingly alluded to by the hon. and learned mover; but, sir, I will not allow the opportunity to pass without expressing the gratification I feel at the happy and well timed allusion to a neighboring nation. It is pleasing to witness the high tone of feeling expressed by the most distinguished statesman of the present day. But a short time since, we heard Sir Robert Peel express a hope, that he would hear no other language in the House of Commons relating to the French nation, but eulogizing their heroic deeds or commending any favorable expression, which would lead to a more friendly understanding between the two countries. A similar expression emanating from so high a quarter, will produce a similar result here - lead to a different tone of feeling - establish a more friendly intercourse and promote the best interests of

the inhabitants of the respective country. Our attention is next called to the consideration of the improvement of the system of Judicature, Municipal Institutions, Education, Jury System, Assessment Laws, Lunatic Asylums, and other Important Subjects. The inhabitants of Canada will be happy to hear that all those subjects are about undergoing amendments. The changes made in 1841 are by no means satisfactory. I will not enter into the details of those different measures. Our present system of taxing the different Districts, without their deriving any benefit, for Lunatic Asylums, has produced great dissatisfaction. The Government are in possession of the best and most ample information on the subject, and I trust a more just and satisfactory system will be adopted. The next relates to the Tour of His Excellency throughout the Province. To the casual observer this may be considered an unimportant event; I entertain a very different opinion. Before meeting the Legislature, every Governor should traverse our inland waters from Quebec to the Falls of Niagara. From the former he embarks at a port situated at the termination of an inland communication, the extent of which can only be realized by a comparison with the Atlantic coast. How few among ourselves can give this subject the consideration it merits. If the inhabitants of Canada knew that the shores of the St. Lawrence embraced double the extent of coast bordering on the Atlantic from Halifax to New Orleans, do you believe, Mr. Speaker, that those waters would have remained a comparative waste, up to the present moment? No, sir, it would have been as impossible to prevent their connection, as it has been difficult, from the want of this information, to effect it. From the latter he beholds at a glance the commencement of a line of uninterrupted navigation, bordering on a coast of near 3000 miles in extent, with a soil equal to any portion of America, containing at this moment a population exceeding three millions of people, increasing daily beyond any former precedent on any part of the earth, the greater part of the commerce of which will sooner or later be under our control. I speak with confidence, sir, because, within your day, and mine, the products (sic) of the entire valley of the St. Lawrence found its way, by its only natural channel, to Montreal and Quebec; we lost, by the construction of the Erie Canal, we will recover it by restoring the natural advantages we then possessed. A personal examination of this line will enable His Excellency to comprehend the magnitude of our inland waters, and the ease and facility with which they can be connected - and which is of far greater consequence to us. It will enable him, to make a just and faithful representation of our true position to the Home Government - with whom the power of speedily making us a prosperous country, rests. - One of the consequences arising from this Tour, is alluded to in the resolution relating to the public works in progress, in which, a hope is expressed that they will extend our commerce and develop (sic) the resources of this vast country. This will depend on the policy pursued by the Imperial, aided by our Provincial Government. The removal of all duty on the manufactures of the Mother Country here, and the free introduction of our products

there, are indispensable to ensure that object - in place of reducing the revenues, as some apprehend, it will greatly encrease them by the tolls received on the additional commerce it must inevitably create. The allusion to the Canadian Corn Law, will be most satisfactory. Sir, no measure ever emanated from the Imperial Parliament, which is likely to produce more beneficial results - its real value, however, is not yet fully appreciated - or its practical operation well understood; it has added to the wealth of Canada the full amount of the reduction made in the duty of their bread-stuffs in England - 2s. 4d. per bbl. or 6d. sterling for every bushel of wheat grown and exported. It has been asserted again and again by the opposers of this measure in the House of Commons, that the Provincial Legislature of Canada were permitted to tax the people of England for their benefit. I was surprised to hear the same erroneous opinion advanced here by the hon. member from Huron. The operation of this law produces no such result - its tendency is to make the consumer in Canada pay the duty or tax and relieve the consumer in Britain. In the first place, so long as the demand exists in Britain, all the surplus grain grown in Canada will be shipped to that market. Secondly, a great quantity will be exported, actually required for our home consumption, all of which will be furnished to the consumer in Britain at a reduction of 4s. per quarter duty. The deficiency here will be supplied from the United States, for which the consumer in Canada pays the 3s. duty imposed by that Act; and in no case can the consumer in Britain be subject to any portion of this duty - unless we export through Canada a greater quantity of American grain than we consume, which is not likely to take place until our Canals are open, when a new era must commence in the commerce of our country. - The allusion made to our efforts to alleviate the evils complained of by the agricultural population is entitled to attention. Sir, it will be satisfactory to this most numerous, most useful, and most deserving portion of our population, to find, that the Government has not been inattentive to their interest. By the Canadian Corn Law at least 15 per cent, has been added to the value of every bushel of corn grown in this Province. By the appropriations already made, the completion of our Canals throughout to the Ocean, is secured, which, by the reduction of transit, will add at least as much more, so that so long as the present Corn Law exists in Britain, there is every reason to believe that the price of wheat will not fall below 3s. 9d. per bushel, and not under 5s. or one dollar, when our communications are also fairly opened. It is also intended, in the alterations alluded to in the Customs' Act, to place a duty on all articles required for our consumption, from foreign parts; this will do everything that can be effected for their benefit, by Legislation; this will stimulate them to greater exertion; and we will soon have the satisfaction of witnessing its beneficial results, by the increased prosperity of the whole Province. Regret is expressed at the decrease of our Revenues. Sir, the increase of Revenue is by no means a correct indication of the prosperity of the country - neither is its decrease a just cause of apprehension. We may import in

one year more than the country requires for its consumption; a large access to the military force may create a temporary increase, and many other causes; but our only dependance (sic) for a gradual, steady and certain increase, rests on the value of our productions; there is no fear but we will import all that we can pay for; the true remedy is in reducing the expenses of our Government, to which it must lead. With regard to the Loan in England. This subject is by no means new, it has been well examined years since; and its consequences clearly foreseen, as our journals prove. The idea first originated with the Hon. the Receiver General in 1837 - it was first brought before the public by your humble servant in that year; and through the influence of Lord Sydenham, was brought into operation in 1841. It should not be considered merely a financial measure: its political effects will be far more beneficial; the Government of Great Britain becoming our security for the construction of our leading works, will feel an interest in their success; they will find we require commerce to pay tolls and tolls to pay our debt, to ensure which, we will soon see every restriction removed on that commerce. In conclusion, Mr. Speaker, I have merely to add, that the Speech will give satisfaction throughout the country; it embraces every important measure, and I hope it will receive the unanimous concurrence of this House.³⁸

DR. DUNLOP said it was well known that the doctrine of Responsible Government was no pet measure of his. He had frequently expressed his opinion of it, and was twitted upon the subject. - He had said that it was a trap set by knaves to catch fools; and there is in this House a life of Lord Sydenham, which shows that he was exactly of my opinion. He knew also that Sir Francis B. Head had no great love for it. There is one good, however, that arose from this responsible government. It had freed members of this House from that restraint which they would feel in taking into consideration what was done by the Representative of the sovereign; for it is not his doings but the avowed doings of his advisers. With respect to the Speech delivered from the Throne, he did not think that in the Colony, and in the 19th century, there were men to be found with any pretension to education, incapable of producing a better; for a piece of more insipid, pitiable, jejune, contemptible trash he had never read. He thought it should be handed over to Mr. Murray, the Superintendent of Schools; and if some of the school-boys could not produce a better, they ought to be whipped. The first resolution proposed an humble address to His Excellency - the second to congratulate him upon his assuming the Government of the Province. He had known the Governor longer than any man in this House. From his high talents and character, he was appointed in an important service in the East Indies - he was appointed to the Diplomatic Council of Bengal, and returned with such a high character, that his Government at home, altho' he differed with them on politics, appointed him to the Government of Jamaica, where he settled all the differences that existed in that distracted Island. God send that he may do so here. They could

not have sent a better man; and none will be more willing than he to join to paying him a personal compliment. The hon. gentleman who seconded these resolutions had made some observations, endeavoring to palliate the delay that had taken place in assembling the Parliament. He differed in toto with what was said upon this subject. No doubt the delay had arisen from considerations of great importance. What were those considerations? As far as he could see, the Government, under the responsible system, was regulated by 3 rules. The first was to meet the representatives of the people as seldom as possible. - The second, to keep them as short a time as possible; and the third was to throw a fob to the whole to sport with; to direct our attention from all important questions, and then send us home, thanking us for the good we had done to the country, when we had only been playing tom fooleries. This was done last year; this was a doing this year as far as they had gone. Last year they had entered upon more of the public measures that were necessary for the country. They had been told that the District and School Bills would be taken up and amended; nothing had yet been done. The District Council Bill was bad - the School Bill was also bad; to say that it is useless would be flattery; it is pernicious, and the benefits of a good bill has (sic) now been lost to the country for two years, and why? For considerations, no doubt, of great importance. Again, a Militia Bill had been mentioned. We now hear nothing of it. If a man deceive you once it is his fault; if twice it is yours; and he would like to know from ministers if such humbug (order) well, if it be not a good word he would give him a better. He thought that measures proposed bona fide one session, should be brought forward the next. It is unnecessary to dwell long upon the expression of our loyal feelings, and of our wishes for the health and happiness of the Sovereign. This is all well. He came now to that which refers to our late Governor Sir Charles Bagot was (sic) a gentleman. It was impossible to look upon him and not to see it. He was courteous, kind and affable; and made a most favorable impression upon all who saw him. - Whether he had faults as Governor General, we leave aside for the present. Nil nisi mortuum bonum. Allusion was next made to the Corn Bill, this he regarded as a boon to the country. With respect to the system of judicature of Lower Canada, he could not speak; yet he thought it would be found that their law was not so bad. The next resolution adverted to the great works that are in progress by means of the loan raised under the guarantee of the Imperial Government. He was sorry that he could not participate in all that was embraced in that resolution. The loan was borrowed to redeem the interest of money due by the Province, and the surplus was to go to those boasted improvements. - We have now borrowed it; and at one vote voted away a million to public works alone. He had appealed at the time, and entered his protest against it. It is now done, however, and no man is more willing than he to make the best of a bad bargain; but it has saddled upon us a debt too enormous for so poor a country. This they will understand better when he assured them that last year he had known persons put to great

difficulty to pay the most trifling taxes - taxes that would not be regarded in a richer country - and the Sheriff applied to, to compel the payment of a few dollars - (hear, hear.) - The state of the prisons is next adverted to in the speech, and he concurred with his Excellency in the importance of having them properly regulated, but he did not think there was so much room for complaint. He knew few prisons, indeed only one in the London District, but what are built upon the new principle, and admit of that classification of prisoners alluded to. They are as good as the existing circumstances of the country admit, and the error into which his Excellency has fallen must have arisen from misrepresentations made to him. As regards the Lunatic Asylum, no one could doubt its importance. He thought he might answer for both Provinces. He did not care where it was placed. Let it be placed on the line. He had attended a good deal to this subject - had visited all the most celebrated asylums; and examined the principles they are built upon; and he considered it a duty we owe to suffering humanity, to make every preparation for the comfort and well being of those unfortunate sufferers. The next point is the defalcation in the revenue. When we ascertain that the revenue is not equal to meet the expenditure, our first duty is instantly to impose sufficient taxes to meet it. It will not do to borrow money and pay the interest from the principal. It will not do to follow the example of our neighbors, and repudiate; no, we must pay all we owe, or renounce the claim to the character of honest men. One point more to which he would allude, is the undeserved puff to the citizens of the United States. He would ask any well educated American, if he did not feel it as an insult to be lauded for allowing the dead body of our late Governor to pass through their country? True, they did not insult Lady Bagot, as they had insulted Sir Francis B. Head's lady; and Sir Charles Bagot's son had not to depend for safety upon the speed of his horse, and we thank them for the boon - that they did not insult the ashes of the dead, or a helpless woman! What will any intelligent American say to this very unnecessary, and uncalled for, and equivocal compliment? It reminds one of mountebanks, recording the wonderful performances of the learned pig, and other such animals. But it was lugged in to show how much we admire American institutions. He looked at the whole speech as a wishy washy affair - a most contemptible speech - and such as the Province of Canada should be ashamed of.³⁹

MR. JOHNSTON said, that the evil of which he had to complain principally, was the enormous salaries enjoyed by the members of the government, - whose offices if advertised in the Gazette, would be filled by superior men for a few hundred pounds. He recollected among other parliaments that there was the tory parliament, the family compact parliament, and the saddle bags parliament; and the present was the "responsible government" parliament. He had no confidence in the present government, nor could he see why he should, when they can put their hands into the public purse every three months, and squander away the

contents as they pleased. A great deal had been said about the respect paid to the deceased Governor, by the Americans. If however the dead were entitled to respect, what was to be said about the living? The case of Sir Francis Bond Head, was an answer to this; that gentleman having been obliged to flee for his life on horseback to reach New-York, which he (Mr. Johnston) could verify, he having seen him scramble off as fast as he could scamper from Utica to Watertown. (Laughter.)⁴⁰

((Ces remarques de M. Johnston)) ne laissent pas de lui attirer une ou deux réprimandes de M. le président ((CUVILLIER)).⁴¹

MR. HALE had known his Excellency before he came to this country. He had been acquainted with him a long time in the East Indies, where he was connected with the Government, and he could say, that wherever there was a post of difficulty, there was Sir Charles Metcalfe deputed; and, without a single exception, he promoted harmony and settled all differences - like oil poured upon the troubled waters - and if there was any chance of settling the differences that exist in Canada, he will do it. He questioned the good taste of applying the remarks that had been made by some gentlemen, to the speech from the Throne. If any suggestions even were given by the ministry, still the speech is his, and should not have been treated so coarsely as some honorable gentlemen had done. There was much in the address of which he approved. It followed out the principle, that the answer should be an echo of the speech, and he was glad they had adopted it.⁴²

(10)

Resolved, That the said Resolution be referred to a Special Committee of five Members to prepare and report the draft of an Address in answer to the Speech of His Excellency, the Governor General, to both Houses of the Legislature at the opening of the present Session of the Provincial Parliament, in conformity to the said Resolution.

Ordered, That the Honourable Mr. Viger, Mr. Merritt, the Honourable Mr. Neilson, the Honourable Mr. Morin, and Mr. Leslie, do compose the said Committee.

Hastings Election.

The order of the day for the House in Committee on the Return to the Writ for the Election of a Member for the County of Hastings, being read.

The House accordingly resolved itself into the said Committee.

Mr. Boutillier took the Chair of the Committee,⁴³

SIR ALLAN MACNAB fait motion que le writ émané pour l'élection d'un membre pour Hastings soit rapporté devant la chambre, en d'autres mots que M. Dunbar, l'officier rapporteur amende son retour, et que M. Murney qui avait la majorité des voix à la clôture du poll puisse prendre son siège. Il maintient que l'élection de Kent offre un précédent applicable au cas actuel, et qu'on doit permettre à M. Wood.⁴⁴

L'Hon. M. MORIN dit qu'il doit s'opposer à la proposition de l'hon. membre pour Hamilton, parce que dans le cas actuel il n'y avait pas de retour, il n'y avait pas d'élection. Le rapport devant la chambre constatait que la violence qui régna à cette élection fut cause que l'officier rapporteur ne put procéder, et fut obligé de suspendre et définitivement de clore le poll, et de faire, comme il l'a fait, son rapport. Qu'une partie seulement des électeurs furent (sic) voter, les autres, et ils étaient nombreux, avaient été dans l'impossibilité de le faire, lorsqu'il fut convenu de part et d'autre de terminer.⁴⁵

L'Hon. M. AYLWIN fait observer que le mot élection dont l'honorable et preux chevalier a fait usage ne peut pas s'appliquer au cas de Hastings, car il l'entend (lui M. Aylwin) par le choix libre et indépendant des électeurs, ce qui n'est pas le cas ici, les électeurs de Hastings, n'ayant pas même eu l'occasion de faire ce choix. Il n'y aurait pas de difficulté si le retour de l'officier-rapporteur était semblable ou analogue à celui de Kent, mais loin de là, il n'y a devant la chambre qu'un retour ou un rapport, où on ne déclare pas que tel ou tel candidat a eu la majorité des votes des électeurs du comté ayant eu l'occasion de consigner leurs suffrages librement et légalement au livre du poll, mais où il appert qu'il leur a été impossible de le faire lors même, comme on peut le supposer, qu'ils l'eussent voulu, à cause de la violence qui a régné à cette prétendue élection. Qu'il ne discutera pas ici la nature du retour, mais on doit voir que tant que ce document sera devant la chambre, elle ne peut déclarer que les constituants du comté de Hastings ont confié leur mandat à tel ou tel candidat, encore qu'il serait constant qu'un d'eux se trouverait avoir un nombre de votes plus élevé que l'autre à la clôture du poll; car, dans ces circonstances, il est de toute impossibilité de dire qu'il était en majorité. Voilà la question. L'honorable et preux chevalier, au lieu de s'y renfermer, se contente d'invoquer un précédent qui, du reste, n'est pas applicable. Tout ce que l'honorable et preux chevalier a pu faire, ça été d'indiquer ce qu'il cite comme un cas analogue. Mais le retour même de l'officier-rapporteur à l'élection de Kent fait clairement voir que l'honorable membre est dans l'erreur. Les énonciations de ce retour prouvent qu'on a procédé suivant la loi dans cette élection, que les électeurs ont au moins eu l'occasion de voter, d'où on doit inférer que si quelques-uns d'eux n'ont pas donné leurs votes, c'est qu'ils l'ont bien voulu; rien ne les empêchait d'aller au poll et d'y voter. Le retour n'allègue pas qu'il y ait eu violence, et loin de justifier la supposition aux yeux de la loi qu'il y ait eu absence de majorité, ou que tous ceux des électeurs qui pouvaient vouloir voter en furent empêchés par quelque cause, comme la violence, par exemple, au contraire, il fait voir qu'à la clôture du poll les suffrages des électeurs du comté avaient été donnés.⁴⁶

On crie: Non! non! dans les rangs de l'opposition.⁴⁷

D'honorables membres vis-à-vis disent non (continue M. AYLWIN); Eh

bien! moi je leur dis qu'oui, et le retour va faire voir lequel de nous se trompe. (M. Aylwin lit ici des extraits du rapport, qui constatent que les votes avaient été épuisés). Si donc les voix étaient épuisées, ajoute-t-il, et qu'il était libre à tous les électeurs de voter, comment peut-on établir l'analogie entre cette élection, car il ne faut pas s'y méprendre, ce fut au moins là une élection, et le cas de Hastings où l'officier-rapporteur affirme sous son serment qu'il y a eu violence et désordre? qu'il fut obligé de réclamer l'intervention de la force armée? On avoue que les élections ne doivent pas se conduire par la violence, et l'objet qu'on a en vue, c'est de faire reconnaître comme élu, ou comme étant le choix libre, et légal des électeurs, M. Murney, duquel il n'y a pas de retour de l'officier-rapporteur, et dont il ne peut pas y en avoir, puisqu'il n'y a pas eu d'élection, tout cela par suite de la violence même, et d'une violence très grande et voisine d'une émeute dont il eût été impossible de calculer les suites. C'était sur d'autres allégations qu'on s'était appuyé pour contester le siège de M. Woods; le retour dans ce cas-ci gardait un silence total quant à la violence, et la corruption était la principale chose dont on se plaignait. Ainsi donc il n'y a pas d'analogie entre les deux cas. Repoussés par la loi et par l'équité, c'est donc en vain que ceux qui voudraient faire triompher une pareille mesure se retournent du côté des précédents. Ce dernier refuge même leur manque. Mais ce serait gaspiller le temps de la chambre que de s'étendre davantage là-dessus. On a paru vouloir donner une couleur politique à cette affaire, tandis qu'il est clair que c'est là une question purement légale. Qu'il était du devoir de l'officier-rapporteur de clore l'élection, vu la violence, toute élection étant nulle aux yeux de la loi lorsqu'elle est accompagnée de violence. Il met les honorables membres au déficit (sic) de lui citer une autorité contraire. Dès qu'il a vu que la violence régnait l'officier-rapporteur de vait (sic) terminer. Non qu'il prétend que comme chérif (sic) il se soit mal conduit. S'il croyait lui (M. Aylwin) que l'officier-rapporteur se fut mal conduit il serait un des premiers à demander à cette chambre qu'elle le sommât de comparaître à sa barre pour être puni selon qu'il le mériterait; mais jusqu'à ce qu'on ait fait voir qu'il est sujet à être inculpé, qu'il a, par exemple, participé à la violence, ou à d'autres procédés illégaux, on ne peut vouloir attaquer son rapport, qui, du reste, paraît fait de bonne foi, et qui repose sur la sainteté du serment. Ainsi, il est avéré qu'il n'y a pas eu d'élection à Hastings. Tout jusqu'aux faits le prouve. Ce comté possède environ 13 à 14 cents électeurs, sur lesquels 900 environ seulement ont voté, ce qui fait voir qu'il y a plus de 300 électeurs qui n'ont pu donner leurs voix. Ce serait leur faire une injustice à eux en particulier comme à tout le comté en général que d'accorder la proposition durant (sic) la chambre. Que dans de pareilles circonstances, il n'y avait pas d'alternative, il fallait rejeter la motion et déclarer l'élection complètement nulle. Les lois et les faits, l'équité et la saine politique, tout l'exigeait.⁴⁸

MR. HINCKS rose to state one or two facts relative to the Hastings election, of which he would challenge contradiction by the gentlemen on

the opposite side of the House. The Solicitor General East had alluded to the large number of votes unpollled at that election, and he would state a fact in connection with those who were polled, that of the real votes of the County the majority had been given in favor of his friend the Attorney General. This was no vague assertion, the poll book itself would prove that what he had stated was the fact: yet without any return being made to that house, they pretended to say that another was entitled to the representation. With respect to the remarks which had been made relative to the Sheriff, Mr. Moodie, he was happy to say that that gentleman was as respectable as any one of those who sought to lower him in the estimation of the House: that he was not susceptible of party bias in the execution of his duty, and incapable of such conduct as that attributed to him. Hon. gentlemen had spoken of partial returning officers; he would throw back upon them the sneer, and he would tell some of those hon. gentleman (sic) that had it not been for partiality in returning officers, perhaps some of them would not have had seats in that house (name, name) - one case he would name, that of the elections for the counties of Lenox & Addington (hear, hear). In the case of the Hastings Election, he had seen the return, and was acquainted with the facts of the case. In consequence of riot, it was well known that the poll was suspended, it was well known that a requisition for troops was despatched to Kingston; it was well known that after the arrival of the troops, Mr. Murney's friends had kept possession of the poll, and that had time admitted his hon. friend the Attorney General would have succeeded; and in face of such facts, could they place him as representative of Hastings in that house who had only succeeded in keeping at the head of the poll by violence.⁴⁹ He did not believe that the House was prepared to take such a step.

SIR ALLAN MACNAB said that the hon. member for Oxford seemed to know all about the election for Hastings, who voted and who did not, and who kept possession of the poll; but his knowledge was not confined to this, he had gone further and charged the Returning officer of Lenox & Addington with partiality and improper conduct; if he had consulted his friend the Solicitor General East, who had been on the committee appointed to try the merits of that contest, he would have been better informed. The hon. Inspector General had told him that Mr. Baldwin would have carried the election; there is no doubt he would have done so had it been in his power; but he would tell that hon. gentleman that the hon. member for Rimouski was not the champion of Reform which he had been represented to be; he had been defeated in his own county under the operation of his own bill, and forced to seek a constituency some where else. If he was not mistaken, he had heard Mr. Baldwin speak in not very high terms of commendation of the conduct of his Returning officer in Hastings; perhaps others would refresh the hon. gentleman's memory on that point. He trusted the House would allow Mr. Murney to take his seat, and if the parties felt aggrieved, they had a remedy in petitioning that House

against the return.⁵⁰

MR. SHERWOOD said the hon. Inspector General had addressed the House with somewhat of ferocity on the subject under discussion. He (Mr. Sherwood) would advise him to take a lesson from the conduct of his friend the Solicitor General East, and treat the matter as an abstract question - as a point of law. The question to be decided was whether or not the return could be amended under the circumstances of the case? When the question first came up, he confessed he had some doubt upon that point, and he was pleased that a delay had taken place, and that time had been afforded him to investigate the subject, and come to a conclusion. There was one precedent on their journals, and that had already been alluded to - the case of the return for Kent - and that proved sufficiently that the House would amend a special return. He did not require to go into the circumstances of the case, or any peculiarities attending it - the fact was before him that the House did amend a return; it had taken upon itself the responsibility of constituting a precedent. He had no doubt that that step had been adopted with due caution - that it had not been taken hastily. In looking over authorities, he had been unable to discover any case precisely in point, but in all he had observed a very great caution given against such returns - that the House should be extremely jealous of the conduct of Returning officers in making special or declaring no return. If the Returning Officer had returned that he was interrupted by riot and could not by any possibility proceed in the execution of the Queen's writ, it would be a course sustained by the House of Commons; but in some instances such returns had been found false and the Officers brought to the bar and punished. It was not every light disturbance which would justify a Returning Officer in closing the poll; he must exercise due courage and discretion. Does the Returning Officer for Hastings allege that he could not proceed further? no; he merely returns that during the election he called out troops; the polling continued on Friday and by mutual agreement was closed on Saturday; during these two days there was no interruption; and although this had been done, yet he has refused to return to this House the gentleman duly elected. He would tell hon. gentlemen that such a piece of presumption would in England have brought him to the bar and punished. It was an interference with the privileges of that House which every hon. member should firmly resent. There was but one way for the House to proceed in determining this matter, and that was pointed out to them by the Grenville Act, under which all contested elections in Upper Canada were determined; to allow the member having the largest number of votes to take his seat, and upon the petition of the contesting parties, strike a committee to enquire into the alleged facts. The law allowed only six days for the holding of elections, and there were many instances in which it was found impracticable to poll all the votes; it had been so in this case. He felt persuaded if hon. gentlemen would divest themselves of all party feeling, and consider the

question as one affecting the privileges of that House, they would see the propriety of pursuing the course which he had recommended. (The hon. gentleman here cited one of the last cases which had occurred in the British Parliament, where a Returning officer, for stopping the poll at an election in Warwick, had been called to the bar of the House and committed to Newgate.)⁵¹

MR. JOHNSTON declared with much gravity, that had the returning officer been locked up in a room with ten quires of paper, he could never have made such a return, which gave evidence of sufficient special pleading, to have required both the Attorney and Solicitor-General.⁵²

L'Honorable M. VIGER dit que l'honorable et savant membre pour Toronto a prétendu citer un bon précédent, mais quand il vient à le citer on s'aperçoit qu'il n'est pas applicable au cas actuel. L'honorable et savant monsieur (M. Sherwood) a lui-même admis qu'on eût été justifiable de clore le poll pour cause de violence, et que voit-on autre chose que de la violence, à l'élection dont il s'agit? Mais dit l'honorable membre (M. Sherwood), il n'y a pas eu d'émeute le lendemain de l'arrivée des troupes, ni le samedi suivant, quand le poll s'est clos. C'est donc à dire que les sujets de Sa Majesté ne pourront exercer leur franchise électorale qu'exposés à se faire rompre les os et casser la tête. Beau moyen, certes, de s'assurer du sens des électeurs! L'officier rapporteur nous dit positivement qu'il fut affligé de jour en jour de recourir à l'intervention de la force armée: que des hommes furent maltraités, et qu'il y avait tout lieu de craindre de plus grandes violences encore. L'honorable monsieur voudrait lui qu'on sévit contre l'officier-rapporteur, pour n'avoir pas donné au monde l'amusant spectacle de voir ses semblables s'entr'égorger! Il voudrait qu'on le punit pour avoir osé rapporter des faits, des faits qu'il eût été coupable de taire! Si c'est ainsi qu'on comprend le gouvernement constitutionnel, il doit dire (lui M. Viger) qu'on est dans une étrange erreur. La violence et la corruption ont déjà fait le déshonneur du pays, il est grandement temps d'y mettre un terme. La motion n'est appuyée ni par la loi, ni par les précédents.⁵³

MR. BOSWELL agreed with his hon. and learned friend that the question before the House was one which they should decide irrespective of party; yet he had not failed to observe, that hon. gentlemen had ranged themselves on one side or other of the debate accordingly as they were favorable or unfavorable to the candidate at the bar of that house. The precedent quoted by his hon. and learned friend had fully borne him out in his position that it was practicable to amend a return, but he thought that when it was candidly acknowledged that no precedent in Great Britain or in this country could be shown of a precisely similar character, that it was a question how far they should proceed in forming

one to meet the present case. There was a material difference between the return in the case of the Kent election and that before the House: upon the face of the former it was very clear that the returning officer had not performed his duty. We had no right to grant a scrutiny - and it was upon a demand for a scrutiny that a return of the facts was made. If it were true, as stated, that in a constituency, numbering 1300 or 1400 votes only 900 had been polled after every exertion had been made, it was very evident no election had taken place, and here he would beg to correct a statement which he had heard made - that an agreement was entered into between the contending parties for the closing of the poll. Now on reference to the document which he held in his hand, the agreement for closing the poll was entered into only at 3 o'clock, when both parties agreed in opinion that it was impossible to poll the remaining votes. He thought it was safer under all the circumstances, to allow the electors to decide the point themselves.⁵⁴

L'Honorable M. MORIN dit que d'honorables membres ont prétendu que la question devant la chambre impliquait les droits du peuple et les privilège (sic) de l'assemblée; mais ils sont dans l'erreur, car la question a un caractère purement légal, et est analogue à celles du ressort des tribunaux ordinaires. On ne peut pas admettre la motion, car ce serait tout d'abord reconnaître qu'il y a eu élection, lorsqu'il est évident, et qu'il est prouvé, qu'il n'y en a pas eu. C'est un pouvoir que la chambre ne saurait ((pas)) avoir. Il doit saisir cette occasion de faire quelques observations touchant ce qui avait été dit par l'honorable membre pour Hamilton, relativement à l'élection de son honorable et savant ami le procureur général pour le Haut-Canada. Le brave chevalier avait tort d'affecter de l'ironie sur ce sujet, car en supposant même que le savant procureur-général eût perdu son élection à Hastings, ce qui n'est pourtant pas le cas, le comté dont il est actuellement le représentant est beaucoup plus considérable et infiniment plus important que l'autre. Qu'il est au moins le double de celui-ci,⁵⁵ being 100 miles in length, upon the banks of the St. Lawrence,⁵⁶ et qu'il renferme une ville, qui par son commerce⁵⁷, by means ((of which it employs)) 100 ships⁵⁸, et sa position lui est bien supérieure⁵⁹. It was a pity they were now sitting at such a distance from it, which might, perhaps soon be remedied.⁶⁰ Il a en outre (lui Mr. Baldwin) cet avantage qu'il ne peut jamais perdre de vue, c'est qu'il est l'élu du peuple, et non de la violence.⁶¹

DR. DUNLOP was of opinion, that the very party who complained of the violence, had got it up themselves; they having collected shanty-men for the purpose, - which would be verified upon oath by respectable men. To say that two companies of soldiers could not keep a Canadian rabble in check, as had been alleged in the present instance, was a daring assertion, and a most unjust imputation upon the military; especially, when one company at Newport, in England, had been able to check and disperse thousands of powerful and hardy miners, with weapons in their hands. Though the

Attorney-General might have been elected for Hastings on a former occasion, there was nothing at all extraordinary in his having lost that support in the present instance, which required no elaborate reasoning to prove, when it was considered, that men generally were adverse to all kinds of government, and those who exercised its power.⁶² His hon. and worthy friend the member for Toronto had paid a deserved compliment to his hon. and worthy friend the member for Port Neuf, for the temper in which he had conducted the discussion of this question; and he did hope and trust that that hon. gentleman's example would be followed generally by the members of that House. As far as he was concerned, he would give a vote on that question independent of party. There was in his opinion, more than moral principle concerned in the decision of the question before the House: they might be placed in the same position; and therefore, both morality and policy ought to guide their discussion of the point involved (sic). Under the Grenville Act the gentleman having the largest number of votes at the close of the poll might take his seat, and the aggrieved party could petition against the return, when the matter would undergo examination before a select committee. That, in his opinion, was the shortest and the best mode of disposing of the present case.⁶³

L'Honorable MR. AYLWIN dit que le savant docteur a touché beaucoup de sujets, mais qu'il (le docteur) les avait déjà traités plus ou moins et qu'on en avait fait justice. Le savant docteur avait parlé de mensonge, mais quelle preuve, quelle présomption y avait-il devant la chambre de la vérité des contes (stories) dont il nous a régautés? Qu'est-ce qui le justifiait de vouloir faire planer des soupçons sur son honorable collègue le procureur général pour le Haut-Canada relativement à la rédaction du rapport devant la chambre? Que bien loin d'y avoir participé en quoi que ce soit, il y était (lui, M. Baldwin) parfaitement étranger, et ne l'avait pas même vu avant qu'il y (sic) eut été déposé devant cette chambre. Voilà cependant comme le savant docteur fait des assertions, mais il n'y a pas jusqu'à son expérience militaire qui ne soit en défaut, car le retour prouve que la violence a régné à Hastings. Quant ((à)) l'honorable membre pour Toronto, il est surprenant que malgré toutes ses recherches il n'ait pu trouver qu'un seul précédent à citer, celui de Kent, et encore est-il inapplicable (sic). Qu'il a reproché à la chambre d'être inconséquente si elle n'adoptait pas la même marche qu'elle avait suivie à l'égard de M. Wood; mais c'est l'honorable membre pour Toronto qui est injuste envers la chambre. Que le retour n'était pas un retour spécial dans l'affaire de Kent comme c'en était un dans le cas actuel. Et Qu'est-ce (sic) que c'est qu'un retour spécial aux termes de ((la)) loi? C'est un rapport des circonstances qui ont empêché la mise à exécution du mandat de la reine, un rapport de faits par suite desquels l'officier-rapporteur a été incapable de procéder à l'élection et de la compléter. Les opinions qu'il contiendrait outre ces énonciations ne seraient tout au plus que matières surabondantes, et ce qui surabonde ne vicie pas. On a parlé de retours doubles. Eh bien! quelle est la différence entre un retour spécial et un retour double!

Le voici dans ce dernier cas les deux candidats sont rapportés comme élus. Celui dont le nom est mentionné le premier, ou dont l'acte électoral est le premier annexé au writ est celui qui a droit de siéger jusqu'à ce que l'élection ait été décidée.⁶⁴

SIR ALLAN MACNAB donne une autre définition du double retour, mais nous n'avons pu l'entendre.⁶⁵

L'hon. M. AYLWIN dit que non, que le double retour est tel qu'il l'a déjà décrit. Que le retour dont il s'agit ne peut aucunement lui être assimilé. Qu'un candidat rapporté comme élu a droit de siéger lors même qu'il n'aurait jamais été élu, de même que celui qui est élu à la majorité réelle des électeurs ne peut siéger s'il n'y a pas de retour de son élection. C'est l'espèce devant la chambre, moins la réalité de la majorité. Eh bien! il demanderait maintenant aux honorables membres s'il était possible à la chambre de faire cette élection!

((M. HENRY SMITH)) crie: "Oui! oui!"

((M. AYLWIN continue:)) L'honorable membre pour Frontenac dit qu'oui; alors en ce cas on ferait bien de se passer du système électoral, et de supprimer cette chambre tout-à-fait. L'officier rapporteur vous dit qu'il lui fut impossible de procéder. Cela seul lui suffit pour faire rejeter la motion. Que lui, M. Aylwin, déplore autant qu'aucun autre membre la position où peuvent se trouver des candidats par suite de pareils procédés, qu'il n'est pas de membre qui ne puisse être dans le même cas.⁶⁸

On crie que ce sont des procédés exparte.⁶⁹

((M. AYLWIN continue:)) Alors, si ce sont des procédés exparte, qui en porte la responsabilité? Où ces procédés prennent-ils leurs sources? Il n'appartient pas à tels honorables membres de s'en plaindre, et encore moins à celui en faveur de qui ils ont été faits. Que dans le cas d'un retour spécial ou de non-retour, le siège n'est ouvert pour aucun des candidats; ils ne peuvent pas y prétendre, surtout celui dont le parti s'est rendu coupable de violence et qui n'a rien fait pour l'empêcher. Il est temps du reste qu'on sache que là comme ailleurs, et dans tous les autres comtés, on puisse procéder aux élections sans violence et selon la loi. Qu'on doit savoir que le gouvernement est tenu de faire régner l'ordre et les lois, et qu'il ne reculera pas devant son devoir. Dans de pareilles circonstances, il ne peut pas consentir à placer dans cette chambre un individu qui n'avait pas pour lui les suffrages du peuple.⁷⁰

M. DUGGAN veut prendre la parole au milieu des cris de: "Question! question!" dont il est assailli de toutes parts.⁷¹ ((He)) hoped that the hon. gentlemen on the treasury benches would withdraw their opposition to the motion of the hon. and gallant knight from Hamilton. It was only necessary to read the return which had been made to the writ for

Hastings to suspect it. In British practice such returns were always looked upon with jealousy, and were in that sense suspicious; and he would ask hon. gentlemen, would they in a case so important, one so deeply affecting the privileges and the dearest rights of that House, proceed upon the mere ipse dixit of a Returning Officer when a course was open to them by which they might arrive at the true facts of the case? Allow the gentleman who stood at the head of the poll to take his seat, and ... ((if)) a petition is presented against him, let a committee be struck to examine into the merits of the petition: when that was done, the matter would be properly tested: a committee under the obligations of an oath would take legal evidence, and thus be enabled to form a correct judgment of the matter submitted to their investigation. And when such a course was open to them, would hon. gentlemen be satisfied with the mere verbal testimony of an interested party? He trusted not: it would be trifling with their own privileges, and trifling with the country. The hon. Sol. Gen. East had spoken of the Sheriff as of an officer who served all the writs in the district, and consequently as being Returning Officer by virtue of that office. If such was the case, he would ask that hon. gentleman why the Sheriff of the Home District had not been called upon to do that duty at the election for the second riding of York? (Hear, hear.) That did not seem to have answered the object of the hon. gentleman. The Returning Officer, in the return which he held in his hand, stated that the business of the election was delayed by the length of the speeches, and the riots. Was ever a more marked insult offered to the House - the length of the speeches delivered urged as a reason why he had not been able to fulfil his duty? If ever there was an unpardonable insult offered to the House, that was it. The only actual reason given for the non-performance of his duty was that on the Wednesday a riot took place at three o'clock in the afternoon, which prevented him proceeding with the poll that day. Then on the following morning there was much excitement, and he was apprehensive of a riot, and did not in consequence open the poll. A pretty reason truly for his neglect of duty: he considered it unsafe, and was afraid to attempt the execution of the Queen's mandate. Supposing this man, whom they had been told served all the writs, had been entrusted with the execution of a writ to seize a man for debt or crime, and because he found the individual against whom it was directed surrounded by a few friends, was therefore apprehensive of a rescue, and refused to take proper steps for his arrest, would that be held sufficient excuse? No: he was bound to execute the writ at all hazards, and would only be justified in case of failure where he had been successfully resisted by actual force. The return was a flimsy, miserable excuse on the part of the Returning Officer for not having performed his duty. They were told also by the return that Mr. Murney's party had possession of the poll: what right had he to know parties, and attempt to draw a line of distinction? How different would have been the result had the Attorney General stood at the head of the poll. The polling had gone on until 3 o'clock of the last day, when finding no hope of being placed in the

majority, he retired and entered a protest. Why had not this protest been entered at an earlier period. Was that the course pursued by the hon. Attorney General East? no: immediately on being interrupted by violence, he protested against the proceedings, and retired in company with his friends from the hustings. That was the course to have been pursued; and one which he was satisfied would have been fully sustained by the house.⁷⁰ Il continue sur ce ton pendant quelque temps, et termine en disant qu'il espérait que les honorables membres sur le banc de la trésorerie retireraient leur opposition à la motion devant la chambre.⁷¹

L'hon. M. VIGER dit qu'il se lève pour protester contre une déclaration comme celle que vient de faire l'honorable préopinant, savoir: qu'on ne serait pas tenu de croire l'officier-rapporteur s'il était appelé, parce qu'il ne serait pas sous serment. S'il était possible de se méprendre sur la nature d'une pareille doctrine, l'assertion de l'honorable membre serait une censure contre la société, un déshonneur pour le pays. Celui qui comparait devant le tribunal de cette chambre sait que là comme ailleurs il doit dire la vérité, et que s'il manquait à ce devoir, on pourrait l'envoyer en prison, tout de même que s'il était sous serment.⁷²

MR. CARTWRIGHT said there were two points of view in which the subject had not been placed before the House, which he deemed of much importance: by refusing the motion before the House they would place every county in the country at the mercy of the Returning Officer. (Hear, hear.) This was no party question, although it seemed to have been so viewed and treated by some hon. gentlemen - it was not whether Mr. Baldwin or Mr. Murney should take a seat in the House; but it was whether the constituencies of the Province were to be placed at the beck or nod of those persons selected as Returning Officers: and as these were appointed by the government, it would give to it an extraordinary power: special returns could easily be manufactured to suit specific purposes. The House should be extremely jealous upon every point affecting its privileges: this was due to the character of the House as well as to the people of the country whom they represented. The only course which he saw to pursue was, to amend the returns, and allow the election to be contested under the Grenville Act. There was no precedent to guide them otherwise: no such return had ever been made to a British House of Commons: a return should have been made, under protest, of the name of the gentleman having the greatest number of votes at the closing of the poll. All the authorities which had been cited fully bore him out on that point.⁷³

L'hon. M. HINCKS dit que l'honorable membre pour Hamilton l'avait accusé d'avoir cité avec partialité des circonstances de l'élection de Kent, mais qu'il est (lui M. Hincks) parfaitement justifié par le rapport même du comité spécial qui fut chargé de s'enquérir sur l'élection, que

ce rapport déclare formellement que l'officier-rapporteur tint une conduite hautement répréhensible. Que, sur l'interpellation d'honorables membres, il avait eu occasion déjà de nommer des personnes en office qui s'étaient rendues coupables d'un violent partisanisme. Que le chérif s'était montré tel à l'élection de Hastings. Il est surprenant de voir d'honorables membres afficher tant de zèle pour faire triompher la cause de la violence. Ne savaient-ils pas l'histoire des dernières élections générales! que trop d'individus malheureusement avaient été élus par violence? D'honorables membres avouent qu'il ne s'agit pas ici d'une question de parti, et cependant il est facile de voir le désir qui règne d'imposer à la chambre des personnes qui n'ont d'autre titre à un siège que la violence et le désordre. L'honorable orateur cite plusieurs faits relatifs à l'élection de Hastings; il dit que M. Baldwin avait protesté du moment qu'il fut convaincu qu'il était impossible de s'assurer du sens du comté: qu'un ami entr'autres de M. Murney avait arraché avec violence le document des mains de l'officier-rapporteur.⁷⁴

MR. MOFFATT adverted to the statement made by the Inspector General that the Attorney General would have been at the head of the poll, had the election been properly conducted, and stated that all they demanded was an investigation into the facts of the case.⁷⁵

MR. SMITH contended that the question was purely a legal one, and should have been so discussed. The Union Act had left the law existing at the time of its enactment in full force in the Upper Province until repealed or amended, consequently the present case would necessarily come under the Grenville Act, and unless the gentleman claiming his seat was allowed to take it, the parties would not be placed in a position to enter into the investigation. If this was refused, he hoped some remedy for the difficulty would be proposed.⁷⁶

The debate was prolonged till a late hour by ... SIR A. N. MACNAB ...⁷⁷ ((DUGGAN))⁷⁸ ... and MR. JOHNSTON, - the last gentleman remarking that, give the members of government "a good fat salary, and they would get elected for the Bay Chaleurs, Port Sarnia, or Kamouraski."⁷⁹

Upon a division, the yeas were ¹⁴₈₀ - nays 34. - The motion was therefore lost by a majority of 20.⁸⁰

(10)

and after some time spent therein

Mr. Speaker resumed the Chair.

Sir Allan N. MacNab moved, seconded by Mr. Cartwright, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the County of Hastings.

This ... was opposed by the government.⁸¹

(10)

On motion of the Honourable Mr. Solicitor General Aylwin, seconded by the Honourable Mr. Attorney General Lafontaine.

Ordered, That the consideration of the said motion be postponed until to-morrow.

Then, on motion of the Honourable Mr. Solicitor General Aylwin, seconded by the Honourable Mr. Hincks.

The House adjourned.

APPENDIX, 2 OCTOBER 1843.

((NOTICE OF PROPOSED MOTIONS.))

MR. PRICE⁸² gave notice of his intention to ask the Government on Thursday next, whether they were to have the control of Macadamized Roads; also, whether they were to have the Post Office under their control; and for information concerning the removal of Mr. Robinson from his situation on the Welland Canal. He also intimated his intention of moving that an humble address be presented to His Excellency, praying that he would cause to be laid before the House, the names of all persons who had received offices under the Government since the period of the Union, with the amount of salary attached to each.⁸³

MR. CHRISTIE⁸⁴ gave notice of a motion for an address to His Excellency upon the subject of the Civil List and the expenses attending the removal of the Seat of Government.⁸⁵

MR. CAMERON gave notice of a bill to provide for the inspection of lumber.⁸⁶

MR. SHERWOOD⁸⁷ again brought forward his motion, desiring information about the resignation of the Hon. Secretary West, and whether it was the intention of the Government to fill up the situation. He also gave notice of his intention to introduce a Bill to afford relief to the sellers of real estate.⁸⁸

Le CAPT. STEELE⁸⁹ donne avis qu'il introduira un bill, demandant une amnistie générale.⁹⁰

MR. JOHNSTON ((gave notice)) of a bill to regulate the office of Treasurer of districts, C. W. ⁹¹

L'hon. MR. LAFONTAINE⁹² donne avis qu'il sera proposé un bill pour la réduction des salaires des officiers publics, et celle des dépenses du conseil.⁹³

((QUESTION AND ANSWER RE: CIVIL LIST.)) ⁹⁴

According to notice, MR. CHRISTIE asked if any reduction of the expenses of the Civil List is contemplated, and to what extent.⁹⁵

MR. ATTORNEY GENERAL BALDWIN replied, that the Administration (sic) retained the same opinions on this point that they held when in opposition, and the hon. gentleman might be sure they had not been twelve months in office without having turned their attention to it. He would state, then, that they intended, during the present session, to move the House for a reduction of the Civil List.⁹⁶

((QUESTION AND ANSWER RE: AMENDMENT OF LOWER CANADIAN BANKRUPTCY ORDINANCE.)) 97

MR. HALE asked, if any amendment or repeal of the Bankrupt ordinance of Lower Canada, was intended.⁹⁸

MR. AYLWIN replied, that if any body of persons had made representations on the subject, to the Government, they would have been attended to; but none had been made, from any quarter. From their own knowledge of facts, however, the Government intended to bring in a Bankrupt law, which might possibly meet the views of the hon. gentleman, by touching imprisonment for debt.⁹⁹

M. CHRISTIE fait quelques observations que nous n'avons pu entendre¹⁰⁰.

M. LAFONTAINE ... a porté ensuite la parole.¹⁰¹

((QUESTION AND ANSWER RE: TAX ON IMPORTED AGRICULTURAL PRODUCE.))¹⁰²

M. HALE dit qu'il se proposait de soumettre à la Chambre une mesure ayant pour but de favoriser l'agriculture dans le cas où le gouvernement ne voudrait pas introduire lui-même un bill à ce sujet. Qu'il demandait donc, ainsi qu'il en avait déjà donné l'avis, si les honorables membres du ministère avaient l'intention de s'occuper de cette matière, et de dire jusqu'à quel degré ils donneraient protection aux intérêts agricoles.¹⁰³

L'hon. M. AYLWIN dit qu'il doit déclarer au nom du gouvernement qu'on est prêt à introduire une semblable mesure, mais que l'exécution des mesures à être accordé est un incident qu'on ne pourra toucher que lorsque le moment sera venu de discuter la mesure.¹⁰⁴

((RECEPTION OF A DISTRICT COUNCIL PETITION.))¹⁰⁵

Relativement à une pétition d'un conseil de district, MR. LE PRESIDENT ((CUVILLIER)) fait remarquer qu'il ne la croit pas dans les formes, en ce qu'un corps constitué comme le conseil de district est tenu d'avoir un sceau à lui, tandis que la requête est marquée d'un sceau particulier.¹⁰⁶

Le CAPITAINE STEELE parle en faveur de la réception de la pétition.¹⁰⁷

MR. LAFONTAINE ... fait observer qu'on ne doit pas ignorer qu'en effet une corporation comme le corps en question doit avoir un sceau, et

en marquer les documens; mais qu'il n'y a aucune loi qui l'astreigne à tel ou tel sceau en particulier, et que celui dont la requête porte l'empreinte, peut légalement être employé par le conseil encore qu'il ait l'air d'un sceau privé.¹⁰⁸

((La)) pétition ((est)) reçue.¹⁰⁹

((REJECTED PETITION FROM MUNICIPAL COUNCIL, HOME DISTRICT.))¹¹⁰

((MR. PRICE presented)) a document purporting to be a petition from the Municipal Council of the Home District.¹¹¹

The speaker ((MR. AUSTIN CUVILLIER)) pronounced ((it)) defective in form; it was in fact no petition ((at)) all, but merely suggestions offered to the House.¹¹²

MR. PRICE, the presenter of the petition, acknowledged the informality, but coming from that respectable body, and containing many useful hints, he begged leave to hand it over to Her Majesty's Ministers.¹¹³

((The petition)) was rejected.¹¹⁴

FOOTNOTES - 2 OCTOBER 1843.

1. The following exchange was reported by: KINGSTON CHRONICLE, 4 October 1843; and LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
2. KINGSTON CHRONICLE, 4 October 1843.
3. LA MINERVE, 9 October 1843.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. The following debate was reported by: ST. CATHARINES JOURNAL, 12 October 1843; and LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
9. LA MINERVE, 9 October 1843.
10. IBID.
11. IBID.
12. IBID.
13. The following exchange was reported by: LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
14. LA MINERVE, 9 October 1843.
15. IBID.
16. The following debate was reported by: LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843; LA MINERVE, 5 October 1843; KINGSTON CHRONICLE, 4 October 1843; and L'AURE, 7 October 1843.
17. LA MINERVE, 9 October 1843.
18. IBID.
19. LA MINERVE, 5 October 1843.
20. LA MINERVE, 9 October 1843.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. The following debate was reported by: LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; BRITISH COLONIST, 6 October 1843, in a report entitled "From Our Own Reporter" which is identical to the report in the MONTREAL GAZETTE, 6 October 1843; LA MINERVE, 5 October 1843; KINGSTON CHRONICLE, 4 October 1843, in an account identical to that found in ST. CATHARINES JOURNAL, 19 October 1843; EXAMINER, 11 October 1843, containing an account identical to but shorter than the account in the KINGSTON CHRONICLE; and L'AURE, 7 October 1843.
28. LA MINERVE, 5 October 1843.
29. LA MINERVE, 9 October 1843.
30. KINGSTON CHRONICLE, 4 October 1843.
31. LA MINERVE, 9 October 1843.

32. IBID.
33. KINGSTON CHRONICLE, 4 October 1843.
34. LA MINERVE, 9 October 1843.
35. The KINGSTON CHRONICLE, 4 October 1843, reports that: "The hon. gentleman delivered a long speech upon the resolutions, partly in English and partly in French, whereas the BRITISH COLONIST, 6 October 1843, mentions that the speech was delivered "principally in French".
36. LA MINERVE, 9 October 1843.
37. IBID.
38. KINGSTON CHRONICLE, 4 October 1843. LA MINERVE's version of Merritt's speech is virtually identical to that in the KINGSTON CHRONICLE.
39. IBID.
40. BRITISH COLONIST, 6 October 1843.
41. LA MINERVE, 9 October 1843.
42. KINGSTON CHRONICLE, 4 October 1843.
43. The following debate was reported by: ST. CATHARINES JOURNAL, 12 October 1843; LA MINERVE, 7 October 1843; KINGSTON CHRONICLE, 4 October 1843; EXAMINER, 11 October 1843, containing an edited version of the account in KINGSTON CHRONICLE; L'AUREOLE, 7 October 1843; BRITISH COLONIST, 6 October 1843, in a report identical to that of MONTREAL GAZETTE, 6 October 1843, the COLONIST's report prefaced "From Our Own Reporter"; LA MINERVE, 12 October 1843, which was copied by LE JOURNAL DE QUEBEC, 17, 19 October 1843. When selections are taken from the identical accounts in the latter two papers, LE JOURNAL DE QUEBEC is reproduced instead of the earlier dated LA MINERVE because LA MINERVE is blurry and difficult to read.
44. LE JOURNAL DE QUEBEC, 17 October 1843.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. KINGSTON CHRONICLE, 4 October 1843.
50. IBID.
51. IBID.
52. BRITISH COLONIST, 6 October 1843.
53. LE JOURNAL DE QUEBEC, 17 October 1843.
54. KINGSTON CHRONICLE, 4 October 1843.
55. LE JOURNAL DE QUEBEC, 17 October 1843.
56. BRITISH COLONIST, 6 October 1843.
57. LE JOURNAL DE QUEBEC, 17 October 1843.
58. BRITISH COLONIST, 6 October 1843.
59. LE JOURNAL DE QUEBEC, 17 October 1843.
60. BRITISH COLONIST, 6 October 1843.
61. LE JOURNAL DE QUEBEC, 17 October 1843.
62. BRITISH COLONIST, 6 October 1843.
63. KINGSTON CHRONICLE, 4 October 1843.
64. LE JOURNAL DE QUEBEC, 19 October 1843.

65. IBID.
66. IBID.
67. IBID.
68. IBID.
69. IBID.
70. KINGSTON CHRONICLE, 4 October 1843.
71. LE JOURNAL DE QUEBEC, 19 October 1843.
72. IBID.
73. KINGSTON CHRONICLE, 4 October 1843.
74. LE JOURNAL DE QUEBEC, 19 October 1843.
75. KINGSTON CHRONICLE, 4 October 1843.
76. IBID.
77. BRITISH COLONIST, 6 October 1843.
78. LE JOURNAL DE QUEBEC, 19 October 1843.
79. BRITISH COLONIST, 6 October 1843.
80. IBID.
81. IBID.
82. The following notices were reported by: MONTREAL GAZETTE, 6 October 1843, in an account identical to that in BRITISH COLONIST, 6 October 1843; ST. CATHARINES JOURNAL, 12 October 1843; and KINGSTON CHRONICLE, 4 October 1843.
83. KINGSTON CHRONICLE, 4 October 1843. On 6 October, Mr. Thorburn gave notice of a similar question regarding the Post Office, and in fact made the inquiry on 16 October 1843.
84. The following notice was reported by: MONTREAL GAZETTE, 6 October 1843, in an account identical to that in the BRITISH COLONIST, 6 October 1843; and KINGSTON CHRONICLE, 4 October 1843.
85. MONTREAL GAZETTE, 6 October 1843.
86. ST. CATHARINES JOURNAL, 12 October 1843.
87. The following notice was reported by: ST. CATHARINES JOURNAL, 12 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843; and KINGSTON CHRONICLE, 4 October 1843.
88. KINGSTON CHRONICLE, 4 October 1843.
89. The following notice was reported by: ST. CATHARINES JOURNAL, 12 October 1843; and LA MINERVE, 5 October 1843.
90. LA MINERVE, 5 October 1843.
91. ST. CATHARINES JOURNAL, 12 October 1843.
92. The following notice was reported by: LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
93. LA MINERVE, 9 October 1843.
94. The following exchange was reported by: LA MINERVE, 5 October 1843; ST. CATHARINES JOURNAL, 12 October 1843, in an account identical to that in the EXAMINER, 11 October 1843; LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
95. ST. CATHARINES JOURNAL, 12 October 1843.
96. IBID.
97. The following was reported by: MONTREAL GAZETTE, 6 October 1843, in an account identical to that in the BRITISH COLONIST, 6 October 1843; LA MINERVE, 5 October 1843; KINGSTON CHRONICLE, 4 October 1843; ST.

- CATHARINES JOURNAL, 12 October 1843; LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
98. ST. CATHARINES JOURNAL, 12 October 1843.
99. IBID.
100. LA MINERVE, 9 October 1843.
101. IBID.
102. The following was reported by: KINGSTON CHRONICLE, 4 October 1843; MONTREAL GAZETTE, 6 October 1843, in an account identical to that of the BRITISH COLONIST, 6 October 1843; LA MINERVE, 5 October 1843; LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843.
103. LA MINERVE, 9 October 1843.
104. IBID.
105. The following was reported by: LA MINERVE, 9 October 1843, copied by LE JOURNAL DE QUEBEC, 14 October 1843. There is no way of determining which received petition this refers to.
106. LA MINERVE, 9 October 1843.
107. IBID.
108. IBID.
109. IBID.
110. This was reported by: KINGSTON CHRONICLE, 4 October 1843; and by the MONTREAL GAZETTE, 6 October 1843, in an account identical to that of the BRITISH COLONIST, 6 October 1843.
111. MONTREAL GAZETTE, 6 October 1843.
112. KINGSTON CHRONICLE, 4 October 1843.
113. IBID.
114. MONTREAL GAZETTE, 6 October 1843.

TUESDAY, 3 OCTOBER 1843.

(10)

Seventeen Petitions brought up. THE following Petitions were severally brought up and laid on the table:--

By Mr. De Witt--The Petition of the Reverend J. B. Bourassa and others, Inhabitants of the Parish of Chateauguay, in the County of Huntingdon; and the Petition of J. Henry Lambe and others, of the City and Parish of Montreal.

By Mr. Chesley--The Petition of Alexander McDonald and others, Inhabitants of the Indian Reservation in the Eastern District.

By the Honourable Mr. Viger--The Petition of James Corbitt and others, Assessors for taking the Census of the Parish of Sorel.

By the Honourable Mr. Moffatt--The Petition of the Ladies of the Committee of Management of the Lying-in Hospital of Montreal; and the Petition of the Reverend John Bethune and others, of the City of Montreal.

(11)

By Mr. Child--The Petition of George W. Fogg and others, inhabitants of the County of Stanstead; and the Petition of Increase Bullock and others, Inhabitants of the County of Stanstead.

By Mr. Wakefield--The Petition of Damase Masson, of the City of Montreal.

By Mr. Merritt--The Petition of John De Cow and others, Inhabitants of the County of Haldimand, in the Niagara District.

By the Honourable Mr. Jones--The Petition of R. H. Whitmore and others, Inhabitants of the Seignior of St. Armand, in the Municipal District of Missisquoi.

By Mr. Boswell--The Petition of Cumfort Curtis and others, Inhabitants of the Township of Percy, in the Newcastle District.

By Mr. Leslie--The Petition of B. H. Lemoine and others, Inhabitants of the City and District of Montreal.

By Mr. Moore--The Petition of the District Council of the Municipal District of Sherbrooke.

By the Honourable Mr. Neilson--The Petition of John Bonner and William Petry, of Quebec.

By Mr. Holmes--The Petition of Thomas White and others, Boot and Shoe Manufacturers, of the City of Montreal.

By Mr. Christie--The Petition of Charles Turgeon, of Quebec, Merchant.

The Honourable Mr. Viger reported, from the Special Committee appointed, yesterday, to draw up an Address to His Excellency the Governor General, that they had drawn up an Address accordingly, and the same was read at the Clerk's Table and agreed to by the House, and is as followeth:--

Address in answer to Speech.

To His Excellency the Right Honourable Sir Charles Theophilus Metcalfe, Baronet, Knight Grand Cross of the Most Honourable Order of the Bath,

One of Her Majesty's Most Honorable Privy Council, Governor General of British North America, and Captain General, and Governor in Chief, in and over our Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to thank Your Excellency for Your gracious Speech from the Throne;

We congratulate Your Excellency upon your assumption of the Government of this Province, and we assure Your Excellency, that our knowledge of Your Excellency's political career, previously to your arrival amongst us, offers the happiest promise of a prosperous administration of the affairs of this great Province under Your Excellency's Government;

We are confident tht the delay which has occurred in summoning the Provincial Parliament has arisen from considerations of great importance;

We assure Your Excellency that, with true loyal feelings, we rejoice at the birth of a Royal Princess, and feel deep gratitude to Divine Providence for the protection vouchsafed to our beloved Queen, whose life and health are blessings to Her Majesty's subjects throughout Her extensive dominions;

We participate in the feeling of universal regret caused by the demise of Your Excellency's immediate predecessor, and we duly appreciate the respect paid to his desolate widow and family, and to his mortal remains, by the citizens of the neighbouring Republic which indicated both the esteem in which he was held in a Country in which he had been personally well known, and also a generous sympathy, worthy of a great Nation:

We fully appreciate the care of our Most Gracious Sovereign for the welfare of Canada, as evinced in Her Majesty's Assent to the Act of the Imperial Legislature, which facilitates the introduction of Canadian Wheat, and of Flour prepared in Canada, into the Ports of the United Kingdom; we feel that this Legislative measure is a valuable boon to this Province, and we shall receive with great pleasure a communication of the Despatch of her Majesty's Secretary of State on this interesting subject;

We will consider with the most unremitting attention all means of improvement of the system of Judicature in Lower Canada, of the Municipal Institutions, of the Laws relating to Education, and of the Jury System of both divisions of the United Province, and of the Assessment Laws in Upper Canada, and our earnest consideration will be devoted to these, and the other important subjects to which our attention may be called;

We fully appreciate Your Excellency's desire of becoming acquainted with local circumstances in Canada, which induced Your Excellency to make a tour throughout the Province;

We participate in Your Excellency's gratification in seeing a fine country evidently advancing in improvement, and we are grateful for Your Excellency's notice of the manifestations of loyalty to our Gracious Sovereign and of personal kindness to yourself, which have met Your Excellency everywhere, in your progress throughout the Province;

We are much gratified that Your Excellency has witnessed with satisfaction the great Works in progress which the Province by means of the Loan raised under the guarantee of the Imperial Government has been able to prosecute; and we join Your Excellency in the hope that these great undertakings will extend the commerce and develop the resources of this vast Country, as well as increase the Public Revenue, and general and individual wealth;

We are fully aware, that, while these great works promote public prosperity and produce contentment in their own localities, improved Roads in the interior of the Province, for the conveyance of the produce of the Country to appropriate Markets, are also of considerable importance, and we unite with Your Excellency in the regret that the state of the Public Finances does not afford any immediate prospect of Parliamentary Aid to construct new internal communications; we rely however on the energies of the people themselves to obviate temporary inconvenience, and we will cordially unite with Your Excellency in your efforts to alleviate the evils complained of by the Agricultural population;

We fully and cordially concur in Your Excellency's observations regarding the Prisons in this Province, and we humbly thank Your Excellency for the active benevolence which has led Your Excellency to call our attention to the amelioration of the condition of the friendless and destitute criminal, as well as to the promotion of prosperity and happiness amongst the more favoured of Her Majesty's Subjects; and we cordially assure Your Excellency that we shall devote our attention to the state of the Prisons in the Province, with a view to ameliorate the condition of their unhappy inmates, from a feeling of Christian duty:--

Those who are visited with mental aberration in Upper Canada, being now confined in the common prisons, or in some of the Religious or Charitable Institutions, which do honour to that portion of the Province, we feel with Your Excellency, that the establishment of a Lunatic Asylum there, is much required; and we are happy to learn from Your Excellency, that measures are in progress for the permanent location of an Asylum for the Insane in Upper Canada, and for the completion of the arrangements of that Institution:

We will give our best consideration to the Accounts for the past, and the Estimates for the present year, which will be laid before us by Your Excellency; We are concerned to learn from Your Excellency, that

(12)

there is a considerable decrease in the revenue, but we hope that it proceeds from temporary causes, and that it will be followed by a greater increase; We are happy to learn from Your Excellency, that the Loan obtained in England under the guarantee of the Imperial Government

has been raised on advantageous terms;

We will take into our most attentive consideration the Act of the Imperial Legislature prescribing a new Tariff, and also such measures as may be requisite for a corresponding alteration in our Customs Laws, and Your Excellency may rely on our readiness to co-operate with you in providing for the exigencies of the Public Service, as far as is consistent with a practicable and judicious economy;

*We shall devote ourselves to the arduous duties required of us as a Legislative body on whose deliberations the welfare of our Country so much depends, and will give our unremitting attention to the important questions which will come before us; We thank Your Excellency for the expression of the anxious desire of Her Majesty's Government, and of your own for the welfare of Canada, and humbly hope that the blessing of Almighty God will crown our united efforts with success.*¹

A motion was made that the House do concur in the ((Report)).²

MR. NEILSON considered it his duty to avail himself of this opportunity to signify to the House that there were some portions of the Speech that he did not concur with.³

DR. DUNLOP also stated, that he had several objections to offer to the Speech. Not a word had been mentioned about an indemnity to sufferers in the late rebellion, although £40,000 had been voted for the express purpose. Many on the Western Frontier had lost their all in those revolutionary scenes brought on by⁴ - he did not know what to call them - friends of the present administration (Order, order). Well, what would he call them? Rebels. (Yes, yes.); well, he would do so. He recited a case of hardship that had come under his observation, that of Green, a tailor, and considered it an objection to the Speech, that some allusion had not been made to them.⁵ Equal government had been advocated by the Member for Quebec. It was pretty equal now (Hear, hear!) And the Lower Canada Members would do well to be silent on the subject, for upon the principle of representation being in the ratio of population, Upper Canada would in time have a third more representatives than Lower Canada (Hear, hear!)⁶

MR. LAFONTAINE rose to complain of the manner in which he had been alluded to by the Member for Huron in the course of his remarks, and hoped that he would not be again subject to such insinuations.⁷ He had once the honor of belonging to a House of Assembly where such language would not have been tolerated.⁸

The Speaker ((MR. CUVILLIER)) interposed, and said it was unparliamentary to notice observations for which any gentleman had been called to order.⁹

MR. LAFONTAINE then resumed his seat.¹⁰

SIR ALLAN MACNAB said he would offer no opposition to the Address, for he could see no good end to be gained by it. He did not agree with it altogether, though he saw nothing particularly objectionable, except the delay in assembling the Parliament.¹¹

MR. AYLWIN said he did not like the mode of discussion that had been adopted. There was a full opportunity given yesterday for any objections that might be made upon the subject of the Address, but it was not embraced. It would have been better to have taken that opportunity when they were well prepared to meet them; but not one syllable had been said. If they had anything to urge against the administration, why was it not done before this? To-day a desultory discussion is kept up, entirely out of place.¹² "He wished", he said, "to be attacked; he dared them to it; they (the Ministry) were able to answer any attack."¹³

((MR. H. SHERWOOD:)) Hear, hear.¹⁴

((MR. AYLWIN continued:)) The hon. member from Toronto cries "hear": he wished that hon. member was in a position to say the same thing. He regretted the bad taste displayed in some of the observations that had fallen from some hon. members.¹⁵

MR. MOFFATT said they would have other opportunities of expressing their sentiments respecting the administration. There was nothing in the Address to call for much remark. It was a non-committal speech, and did not call for much discussion. It was not necessary to enter at first into all the views they might entertain; and had he thought that silence would be construed into approval, he should have guarded against it.¹⁶

MR. BALDWIN concurred in much that had fallen from hon. members. He did not think there was anything unparliamentary in their offering observations upon the Address; but this is not the opportunity generally embraced, now that the Address is adopted.¹⁷ If the Member for Quebec had expressed his dissent from a wish not to commit himself on the Union Act, there was nothing unparliamentary in such a course.¹⁸

MR. JOHNSTON imputed the delay with regard to the meeting of Parliament to fear on the part of the Administration as to the results.¹⁹

MR. ((HENRY)) SHERWOOD said, the Member for Port Neuf had on this occasion shown the same indecent heat as he had done the first day of the Session to goad on the Opposition, when, to use his own words, "he threw down the gauntlet," trusting, no doubt, to the strength of his majority.²⁰ To-day he upbraids them with taking an improper course. If he understood parliamentary affairs, the time when the Address was proposed was the proper time to oppose it. If the resolutions had been

submitted to a committee of the whole, the hon. member might have heard more upon the subject. This was the usual course; but that not being done, and for many other reasons, he declined offering any remarks then. Now, however, since he was challenged, he felt it his duty to come forward and say that he did not concur in the Speech, and that for various reasons. In the first place he would remark, that as regards the Governor-General he entertained for him the highest respect; and in any remarks he might make, he was not to be understood as directing anything personal against him. He hoped he would avoid all personalities. One hon. member from Canada East had evinced much feeling and perhaps justifiably; and if he erred by personal allusions, he was willing to make any amende (sic). His objection to the speech (not that he had any amendment to propose) was that the framers of it had contrived to produce a Speech which contained nothing from the beginning to the end. He could find nothing in it like what he would expect to find, except that relating to agriculture, and the decline of the revenue. All the rest is more like what is contained in newspapers. With respect to the delay that had taken place in convening the parliament, he did not concur in the reasons that had been assigned for it. He considered it (sic) ever there was a time when it was the duty of the government to assemble the parliament at an early period it was now, under the desolate circumstances in which the country is placed. When we hear of the decrease of the revenue to the amount of £90,000 - when we hear that in the Eastern Provinces the roads are in such a condition that the farmer cannot take his produce to market and are told that there is no means of remedying this - when the indebtedness of the country amounts to about three millions of money - he thought they should, at the earliest period, have convened the Commons to take these things into consideration. We have had no parliament for two years. The last session lasted only a few weeks, and then a promise was given to convene it in six or seven weeks, but it had gone on from week to week until the term appointed by the constitution was just about to expire. (Hear, hear). When the Country is in this state, he would ask where shall we turn for advice and instruction? Where but to the legislature of the country? And are we to be told that delay, going on week after week under such circumstances, is justifiable? Sir, said the hon. gentleman, the condition of the country as described by Sir Francis Bond Head when he compared it to a "girdled tree" (hear, hear) produced by a most unnatural rebellion was not so bad as it now is. That picture is not to be compared with the present. No person could take up that speech, knowing our indebtedness to England - for we shall soon have to pay £160,000 interest on the loan - and say that it is such a speech as should have been presented to this House at this time. And what is the state of the country? We are told that it is tranquil - that affairs are proceeding in such a way as to give general satisfaction. Let me tell hon. gentlemen that there is no such tranquility (sic) - that the country is dissatisfied and bitterly complaining, and that the apparent tranquility (sic) is like the calm after a

storm. (Hear). Yes, the people were launched into an unnatural rebellion by the wicked designs of a few reckless men - and they had been called from their homes to defend their country. This produced an unsettled state of things which was finally settled by the conquest of the insurgents, and then came the calm. But mark my words; the people are alive and earnestly watching the course of public affairs and every election in Western Canada will satisfy you of the dissatisfaction that exists with the policy of the government, and that they will not see the people neglected who did their duty to their country and their Sovereign, and those who did not, elevated over their heads. Are they to be happy under this? and see those neglected for performing a duty they were bound to perform by their oath of allegiance. If it were necessary he could show many instances of this, very many cases in which those who stood forward in defence of their country in the hour of danger were neglected, and not only neglected, but various means taken to give them annoyance. He hoped before the session was over to afford abundant evidence of the correctness of the statements he had made by mentioning the names and localities.²¹

Cries of name, name.²²

((MR. H. SHERWOOD resumed:)) The hon. member says "name"; it would take him too long, and occupy too much of the time of this house (hear, hear), for there were a thousand instances of it. Is he to be told that the leaders of the rebellion should be pardoned and the loyal to remain unpaid? Parliament had passed a law for the purpose of remunerating those who had suffered losses, but no steps had been taken to carry it out - notice is taken of the just claims of the unfortunate sufferers, but the people are pardoned who caused their losses. Was this the course the hon. gentlemen at the head of the government should have pursued? No! the true policy would have been to have turned their attention to those people who had so good a claim to their consideration, and after reimbursing them for their losses, after rewarding them as honest servants of the Crown, then they might have turned their attention to those engaged in rebellion. This important topic should have been noticed in the speech, but not a word is said about it. There was another topic to which he would advert, and that was the subject of the Seat of Government (hear). He was a member of the Legislature when it consented to the Union of the Provinces, and he appealed against it except upon certain terms - and those were that the Seat of Government should be in Upper Canada. Lord Sydenham pledged the faith of the Government that if an address was sent to the Queen upon the subject, it should be carried out; the address was forwarded and responded to by the Queen, and the subject was regarded as settled. But if any proposition is to be brought forward by the Government upon this subject, why was it not brought forward at an earlier period?²³

Cries of "why did you not ask the question yesterday?"²⁴

((MR. H. SHERWOOD resumed:)) They should have stated that the question is not settled and directed the attention of parliament to it as soon as possible. He had heard it said when his Excellency was performing his tour through the provinces, he intimated that the question was not finally settled, and that the legislature had to decide between Kingston and Montreal. Since then the question has been a good deal agitated. The public mind is much excited about the seat of government, and if it be taken to Montreal there is no constituency in Western Canada but will agitate a repeal by the government of the legislative union of the provinces.²⁵

A voice - "except Toronto".²⁶

((MR. H. SHERWOOD:)) He would not except Toronto. If it were intended that this subject should be taken up by the legislature it should have been made a prominent part of the speech. He would now advert to the public money, the money borrowed for the purpose of internal improvements. He looked at the Board of Works, and saw it turned into a political engine, and the money used without the consent of the parliament. When this Board of Works was formed it never was contemplated to be a political engine, capable of being used for party or political purposes, but to be in the hands of those who would carry out the public works and give the people of the country an opportunity of conveying their produce to the markets. But this was not done. The money was not expended upon any except the favorites of the Government. The Home District, one of the most important of the country, had received no portion of it, excepting Whitby, and there is no place in the country where more good could be done by expending a part of the loan. A more important work could not be undertaken, or one more calculated to benefit the western section of the province, than the connecting of Lake Huron with Lake Ontario, a work perfectly practical, as had been decided by the most competent engineers, and which has been for some time in contemplation, but nothing had yet been done. - We are told we may apply to the Legislature, but the money is expended without consulting the Legislature; and if it be applied to particular purposes without the sanction of this House, inquiry should be immediately made after the manner in which it was employed. This Board of Works has the spending of £1,000,000 of money under the eyes of the Executive Government alone.²⁷

A voice - "of Parliament"²⁸.

((MR. H. SHERWOOD:)) No, not of parliament; its eyes have been closed for two years; and if it were in the power of certain individuals this parliament would be called not every year, but perhaps every third or seventh year. He thought that when any difficulties arose, or when any taxes were to be raised, the first step should be to convene the parliament; and therefore he found fault with the great delay that

had taken place. Now he thought the subject of the Union should be brought forward. We all know that it is a mere attempt to carry out a system of Government - an experiment - but we cannot tell of its successful working. All we do now (sic) is what Lord Sydenham tells us of its great merits, who has spoken of it as one of the most successful and glorious feats of Legislation ever performed in any country. He believed Sir Charles Bagot talked of the Union and its workings in a different strain, and he has heard that the present Government has said that the Union had not answered any purposes.²⁹

Here Mr. Sherwood was called to order by MR. AYLWIN who said that it was against the privileges (sic) of the House to mention anything reported to have been said by His Excellency at the head of the Government, and called upon the Speaker to censure such a course.³⁰

MR. ((HENRY)) SHERWOOD believed it was improper, and in making the statement, had no desire to trespass on the rules of the House. Whatever opinions others may yet entertain he looked upon the Union as one of the most impracticable measures that ever had formed a part of the Legislation of any country. He was satisfied it could not work well; and if it is proved after experience that there is to be in reality no Union; if it is proved to be impracticable to carry out the Union so as to be satisfactory to one important section of the people; if it is proved that by the working of the Union no injury is done to any class of the community, then the sooner we look for a repeal of it the better. But there was another subject of the highest importance upon which not a word was said - he alluded to Emigration. Mr. Buller had lately brought forward a plan for the colonization of Canada, but not a word was said in reference to the subject in the Speech delivered from the Throne. He believed that silence upon this question would have a bad effect at home, by intimidating those who might wish to come to this country. If the settling of the country be regarded as a matter of importance, then every encouragement should be held out to individuals to come to it; but the subject had been entirely overlooked. Then again as to the Election law; the very clauses which were most important, and which should have engaged the attention of the government, do not appear to have received the slightest notice. It does appear that the election law is good so far as it goes; but it is a universal feeling in Western Canada that the registration clauses should be attached to it. The hon. gentleman who framed the law deserves credit for the attention he has paid to the subject; but the law is still defective, and never can work well in practice until an enregistration clause is enacted. The public voice demands it; the public prints have almost unanimously advocated it; and he had hoped that the government would have been prepared to submit some proposition upon the subject. He would now briefly advert to the state of the roads in the Upper province. The condition in which they are is deplorable; and yet they might be amended at very little expense. If the hon. gentlemen knew the state of the roads in Western Canada as

well as he did, they would perhaps see the necessity of doing something to improve them; and he could assure them that nothing could afford more satisfaction to the people of the United province. In looking over Mr. Buller's speech he observed the account which he gives of the state of the roads in various sections of the province; he states that it requires the farmer to be absent nine days in taking his produce to market. This is a state of things that ought to be remedied. Hon. gentlemen may consider this a trifling subject and perhaps unworthy of attention; but he could assure them that the people will not do so: to them it is of the highest importance: they would look upon any improvements that might be made as a boon, and be grateful for them, but yet nothing is said upon the subject, and the government tells the people that they must depend upon their own energies. Having made these observations, he should say no more. He did not intend when he entered the House to-day to have said anything upon the subject of the Address; but he felt that his silence might be construed into approval. He was opposed to it because it does not touch upon any of the all-engrossing interests of the country; because the topics that are introduced are more like subjects for newspapers than what we should expect to find in a Speech from the Throne; and because it presents to the people of the Upper province one of the most desolate pictures which the mind of man can contemplate.³¹ In conclusion, the Hon. Member remarked, these observations would not have fallen from him, had not the Hon. Solicitor East, in the indulgence of his feelings, taunted those on the opposite side in the way he had done.³²

MR. AYLWIN regretted that the time of the House should be taken up with this discussion to-day; yesterday was the proper time for it. He thought the course pursued would not be tolerated in the English House of Commons. Yesterday the hon. member had a fair opportunity to give full expression to his opinions, but he remained silent. He could characterize the speech delivered by the hon. gentleman in one word, one of the least in the language, but it would be uncourteous, and such as he should not like to use in that House. The hon. gentleman has asked why the Parliament was not assembled earlier, and the delay was made a subject of reproach. How ridiculous! Does he not know that according to the principle upon which the government is conducted, we have to prepare measures, as far as we can, of such a character as will meet the wishes of the people; and how can he suppose for a moment that any government could protract the meeting of Parliament for any selfish motive. The hon. gentleman was a member of the government for three months, and he then must have known that the practice adopted does not enable persons to make the imputations which he has advanced, as the affairs are conducted under the sanctity of an oath. It was not in his power to enter into the reasons that had caused the delay in the meeting of the Legislature. He wished he could; and if he did, perhaps the hon. member might be more dissatisfied than he now is.³³ Instead of proposing an

amendment yesterday, he (Mr. Sherwood) now comes forward with charges quite out of place, and, like the man in Scripture who scattered fire-brands and said he was in sport, gives utterance to sentiments calculated to foment discontent and create disunion, and then deprecates any motives of the kind.³⁴ The hon. member speaks of the injustice of conducting the government upon party principles: the hon. gentleman is himself a party man, and thinks he can injure the party opposed to him, and cement his own. "Order, order." There was one topic alluded to by the hon. member for Toronto which he felt it his duty to notice. He seemed desirous of destroying the Union, and of arraying one portion of the people of this country against the other, and proposes the question of the Seat of Government as the ground of dissension. Is this such a course as should enable any one to say he had done right? He had allowed the proper opportunity to pass for making such remarks, having only some fourteen of fifteen to vote with him, and to-day he comes forward with a series of charges against the administration. It was not necessary for him to analyze the speech of the hon. member, for the whole of the acts of the government during the present Session will show how unfounded are his accusations, and be the best answer to his speech. He has alluded at some length to the present position of the country, and adverted to the decline in the revenue. True, there was a falling off in the revenue; but can he say that anything has occurred which will enable him justly to attribute it to his hon. friends on the ministerial benches? Can he mention one single act of maladministration upon the part of the government which could in any way contribute to produce such a result? He defied him to do so. It was very easy to make assertions against the government; it was very easy for hireling scribes to utter their denunciations and foul abuse against them; but he invited the opposition to stand forward on the floor of that House and urge their accusations. He dared them to do so.³⁵

The learned gentleman was here called to order, and given to understand that the word "dare" was unparliamentary.³⁶

((MR. AYLWIN)) would repeat that if hon. members of the opposition had any charges to prefer against the administration, let them stand forward and do so, before this house and before the country, so that they might receive that refutation which he felt assured could be given. When the hon. member for the city of Toronto had a seat at the Executive Board he must have known that the members do not sit there for the purpose of trying to obtain titles or of pocketing their salaries, but as the representatives of the majority of the people by whom they have been elevated to office - (hear) - yes! the moment we are not the representatives of the majority that moment we repudiate office; and shall willingly resign our places to the members of the opposition when they are honoured with the confidence of the country. He had said upon a former occasion that it was difficult to get rid of the last administration but that it would not be so difficult to get rid of the next. (Hear).

The hon. member cries "hear" but let him bring a charge against the government, and if it be substantiated by the members of this house he was willing to resign the situation he holds in it, and he was sure that his colleagues would do the same. The hon. gentlemen apologized for being betrayed into more warmth than was perhaps necessary, and before concluding, adverted to the Seat of Government. He regretted the grounds taken by the hon. member who had introduced the question, that it would not be decided by any consideration so narrow as upon which side of the line it must be, but viewed upon broad and general grounds, and with reference to the interests of the whole United Province. It should not be looked upon as a contest between Upper and Lower Canada - Kingston or Montreal - but it should be placed so as best to subserve the general good of the country and give satisfaction to the majority of the people?³⁷

SIR ALLAN MACNAB said that he had not expressed his opinions upon the Speech yesterday as he was unwilling to introduce any discussion upon the matter. He saw no good end that could be answered by it, and he thought it more respectful to the head of the government to avoid it. With respect to the speech itself there was little in it of which to approve or little to object to, therefore he should have allowed it to pass without any observations; but when he heard the Solicitor General of Eastern Canada pronouncing it unparliamentary to give expression to our feelings when moving the address he rose to tell that gentleman that he knows little of parliamentary usages; and to express the opinions which he entertains of the administration of which he forms a part. It appears very evident to him that the Solicitor General came here determined to debate that Speech, no matter what difficulties he might get his colleagues into by so doing; and for this purpose had, by the language he had used, forced them into this discussion. He had no hesitation in saying that he disapproved of the administration of the gentlemen upon the Treasury Benches. He knew little of Lower Canada or of the feelings of the people of that section of the Province, let his observations therefore apply to Upper Canada alone. He did not say but that they might represent the feelings of a number of the people of Lower Canada: but he did say that they do not represent the feelings of the people of Upper Canada. How could the hon. Attorney General of Canada West represent the feelings of the people of U. C.? He was not able to obtain a seat in the Upper Province; and he was satisfied that there was scarcely a constituency that would return him to Parliament. How did Mr. Harrison obtain his seat for Kingston? It was well known that he obtained it by a most corrupt bargain, and in the same way had the hon. Attorney General obtained a seat for Rimouski.³⁸ He had been elected by the manoeuvring of the present Government, who presented the Member for Rimouski with an appointment of £200 a year on the Chambly Canal, as a bonus to vacate his seat in favour of the Attorney General. (Hear! hear!)³⁹ Cries of "no, no," "order". Will he ((Sir Allan MacNab)) be told that the people of this country - the loyal men who stood forth to defend the

rights of their Sovereign have been properly treated? No, he cannot be told so. The loyal men have been injured, many of them ruined, and the disaffected and rebellious rewarded and promoted. He would like to know how a member that would not turn out in defence of his country, when the brave and gallant Moodie was inhumanly butchered by a band of reckless ruffians,⁴⁰ who, when Toronto was fired at both ends ... sat quietly down without making the least exertion to suppress such outrages⁴¹, could be a fit and proper person to represent the wishes and feelings of her Majesty's subjects in the Upper Province. These observations would apply with equal force to the hon. Solicitor-General and the hon. Inspector-General who had followed the same course. Are these the men to be entrusted with the government of this country - these the men that could possibly represent the wishes of the loyal population of Upper Canada? Look at their conduct in the case of Mr. Lossing. There is a man lately sworn in as a Magistrate - a man who had attended all Duncombe's meetings - ("no," "no.") yes, he was prepared to prove it - what have they done with him? They have appointed him to the Wardenship of the Brock District - they have placed him upon the late commission of the peace as a magistrate? Is this not an insult to the loyal inhabitants of the Province? is it treating those properly who had assisted in putting down the rebellion which he had assisted in concocting? Let us look at the new commission of the peace and we shall find upon that commission every man who followed Rolph - he meant the traitor Rolph in his wicked attempts to revolutionize the country. He did not object to this, but he did object to the Att.-Gen. admitting his bosom friends to places of honor and emolument while other more deserving men are overlooked and trampled upon. Is it not notorious that the traitor Rolph was the bosom friend of the Attorney-General? and that the Attorney-General was the person who, in company with him, carried the flag of truce to the rebels who had assembled in the vicinity of Toronto with the intention of attacking it? These facts are well known. He would now speak of Duncombe, an American: did he not libel the loyal people of this province when in England? and when called upon to answer for his conduct, he did not dare to come forward and do so. And where was this Duncombe found? With the armed rebels: and this man is pardoned and permitted to return to the country. He would now ask what was done with the men who cut out the Caroline? What treatment did they receive? what recompense for their services?⁴² He did not wish to speak harshly of the Americans, but were there not now indictments for murder against 30 or 40 or those men in the State of New York?⁴³ And no means had been used to have ... ((them)) removed. (Here the speaker detailed the grievances of an individual who had lost a schooner.)⁴⁴ Was it right, was it just, that individuals who gave up every thing for their country's good, should be ruined.⁴⁵ Some Captains of schooners ... could not visit an American port, unless at the risk of their lives.⁴⁶ In his opinion the men who stood by to see the throats of their fellow countrymen cut should have been punished; but instead of that we see the government of the country

entrusted to them, and the loyal neglected. The hon. Solicitor-General had said a good deal about the newspapers patronized by the opposition; now he would ask what kind of newspapers the government of which he is a prominent member patronized in this country? He held in his hand a newspaper patronized by these hon. gentlemen, and he would read a passage to show the sentiments which it contained. (Here he read a passage from the Toronto Mirror.)⁴⁷ The government had attempted to put down the loyal press of the country, and patronized such papers as this. He held more in his hand: he held one which vilified the venerable Sir John Colborne by calling him "Lord Satan," "savage idiot," &c; and also many others containing similar sentiments⁴⁸ -

Cries of "read, read"⁴⁹.

But he ((SIR ALLAN MACNAB)) would not occupy the time of the House by reading them. He would now conclude by stating that they had been led into this discussion by the tone and language adopted by the Solicitor-General; he had intended to pass the Address without making any remarks, but he did not think that the opposition were called upon to sit still because he announced that he was ready for the discussion.⁵⁰ In making these observations, he considered that he was acting entirely in accordance with Parliamentary usage. ... If silence was to be enjoined on such an occasion, the motion would resolve itself into a mere form, and would be only taking up the time of the House which might be devoted to other purposes.⁵¹

MR. PRICE did not rise to protract the debate, nor did he intend to oppose the address. There were one or two subjects upon which he had intended to speak, and which he regretted were not alluded to in the speech; namely, 1st, the appropriation of money without the consent of the Legislature; 2nd, the settlement of the appropriation of the Clergy Reserves; and 3rd, King's College, Toronto, an institution liberally endowed with some of the best lands of the Province, and which has remained in the hands of one denomination. Upon these subjects he had intended to address the house, but from the manner in which his hon. friend, the Attorney General for Canada West, had been assailed by the gallant Knight, the member for Hamilton, he felt it his duty to defend him from the charges brought forward. He has said that the Attorney General was the person appointed, along with Dr. Rolph, to carry the flag of truce to the insurgents when approaching Toronto. His hon. friend was indebted to him (Mr. Price) for that mission, and was innocent of having any thing to do with rebellion. If there was any blame to be attached to any one it was to him, and he was perfectly willing to bear the responsibility. The Sheriff of Toronto came to him and said, for God's sake, Mr. Price, will you not lend your influence in assisting to stop the proceedings of those men who are going to attack us? He (Mr. P.) said he had no influence, and if he should go

out it would be said that he was the first to join them. Why not go to Mr. Baldwin, Dr. Rolph, or Mr. Bidwell, men who do possess influence in the country, and he had no doubt but they would lend their assistance to putting a stop to the insurrection? The Sheriff went, to Mr. Baldwin, and he complied with his request and went out to meet the people with the flag of truce. He (Mr. P.) made these remarks because of the charges that have been reiterated over and over again against his hon. friend, the Attorney General, charges which were unfounded, and of which he was as innocent as any member of this house.⁵²

MR. BOSWELL regretted the use of such strong language as had been used by the opposition, and had at first intended to leave their assertions unnoticed; but such statements he thought, should not be allowed to go abroad uncontradicted. The gallant Knight and his friends were in the habit of assuming to themselves all the loyalty in the Upper Province. This was not the case; for at the period the troubles in this country took place, none were more ready to join the ranks of those that opposed it than the opponents of the gallant knight, and if it even had not been so, when we take into account the position in which they had been placed, there was abundant reason why they should not have taken any part in the matter. When they were in the field their motives were suspected, their conduct impugned, and they were treated with insult. And when it was recollected that these individuals went to support men whose views and conduct had been such that they had convulsed the country, he (Mr. Boswell) thought that due credit should be given to those who came forward, and that the loyalty of the country should not be represented as exclusively belonging to one party. The reason why such charges as those advanced by the opposition, were made, was very evident. They find fault because they are not put in possession of all the offices of honour and emolument in the Province (order, order.) He was not present when the Speech from the Throne was delivered, his professional duties having detained him in the Newcastle District, where the Speech first reached him, and he had an opportunity of hearing the opinions of the people of all parties, and the universal opinion was that there was nothing to find fault with and he was not a little surprised to find the excitement that prevailed in the House. (Hear, hear, hear.) The speech was very properly a non-committal one and if all the topics which might be wished are not embraced in it, it only shows the desire to introduce subjects that might have elicited peaceful discussion at this early period of the Session. It shews (sic) also the difficulty of writing any thing with which in its language or choice of topics, fault may not be found. The hon. knight, in the account of Pickwick's trial, will find an example of this, in the various constructions put upon the word tomato sauce. He concluded by stating that he came here as the representative of a people who wished the legislature to go dispassionately into all the subjects brought before the House, and to do justice to the measures submitted to their consideration; this he would do, and avoid as much as possible all

subjects foreign to the real interests of the country.⁵³

MR. STEELE engage le brave chevalier à envisager les choses avec plus de calme, et à ne pas occuper inutilement le temps de la chambre; qu'il doit permettre que la discussion prenne un caractère plus digne, et que chaque membre puisse retourner chez soi avec la conviction d'avoir bien rempli son devoir.⁵⁴

MR. HINCKS said that in rising to address the House he would endeavor to confine himself to the topics to which its attention had been called by the hon. and learned member for Toronto, in his observations regarding the Speech delivered from the Throne. That hon. member had drawn a most gloomy picture of the condition of the country, and had brought grave charges against the Government for not summoning Parliament at an earlier period, to find ways and means to meet a supposed excess of the expenditure over the Revenue of the Province. He would tell the hon. and learned member, that before lending his influence to spread alarm throughout the country, and to induce the public to believe that the Province was in a state of Bankruptcy and ruin, his information should have been more certain. There was nothing in the Speech from the Throne to warrant the expression of such alarm. True it was that the revenue had fallen off, but not to such an extent as to cause any embarrassment to the Government, nor had the expenditure been so excessive as to render it necessary for His Excellency the Governor General to call Parliament together for the purpose of raising new taxes to meet it. The principal deficiency was in the Customs revenue, and no certain information could have been given on the subject before the opening of the navigation, indeed at the present time there could only be an estimate of the deficiency. This decrease was in the Custom's revenue at the Ports of Quebec and Montreal, and was caused by the Commercial and Agricultural distress of last year, which necessarily prevented large importations. He would appeal to hon. member for Montreal (Mr. Moffatt) as a commercial man whether this statement was not correct, and whether any blame whatever could be imputed to the government for the decrease in the customs revenue, or whether it had not arisen from circumstances over which they had no control whatever (hear.) The hon. and learned member has stated that never at any time in the history of the two Provinces was the country in such a deplorable condition. He would put it to the House whether the United Provinces, with a revenue sufficient to meet all its liabilities could be compared to Upper Canada at the time when the hon. and learned member for Toronto and his friends were in power, when large grants of public money were voted without any means whatever to meet the increased charge upon the revenue, and when in consequence the interest of the public debt could only be paid by selling debentures considerably under par, - when, in short, there was literally nothing but bankruptcy and ruin staring us in the face. The honourable and learned member has alluded to his vote in favor of the Union being conditional on the Seat of Government being retained in Upper Canada. It may be very well now for the hon. and

learned gentleman to talk about conditions, but he (Mr. Hincks,) would tell those gentlemen that the Union was the only way of extricating Upper Canada out of the financial embarrassments in which she had been involved by the hon. and learned member for Toronto and his political friends. The hon. and learned member talked about his having insisted on the Seat of Government being in U. Canada, but he (Mr. Hincks) well recollected the time when that hon. gentleman and his friends insisted upon it, that Montreal was an Upper Canada city, and the records of the House of Assembly of U. C. would prove that the whole Island of Montreal had been claimed as belonging of right to the Upper Province. Their object then was to plunder Lower Canada, but it now suited the hon. gentleman to hold a very different tone. The subject of Emigration has been referred to by the hon. and learned member, and it has been charged on the administration that the speech contained no reference to that important subject. - Now it appeared to him (Mr. Hincks) that unless some new project were to be brought before Parliament, it was quite unnecessary, nay it would be presumptuous to bring it prominently forward. Great injury had been done both to the Province and to individuals, by holding out inducements to indigent emigrants to come into the Province. Under the present system, Emigrants were assisted to their place of destination, and there was a considerable expenditure of money in relieving their wants, but as there was no intention to ask Parliament for any additional assistance, he (Mr. Hincks) was decidedly of opinion that any allusion to the subject in His Excellency's speech would have been unfortunate, and only calculated to delude our ignorant fellow subjects in the United Kingdom. The next topic of the hon. and learned member's speech was a most unfounded attack on an hon. colleague of his (Mr. Hincks) not now in his place (the President of the Board of Works). His hon. friend had been charged with converting his office into a political engine, and also with diverting parliamentary appropriations to objects not contemplated by this House. Now, he (Mr. H.) would defy the hon. and learned member to substantiate any such charge against his hon. colleague. He (Mr. H.) had travelled through those parts of the country where the public works were in progress, and he found every where not only the satisfaction alluded to in the speech, arising from the expenditure of public money, but he found also that there was but one opinion as to the character of those works. Let hon. members contrast the piers at Cobourg Harbor, at Whitby and Port Stanley, with similar works undertaken by companies, and they will be satisfied that wasteful expenditure of public money cannot be charged against the Board of Works. As to the charge of corruption, no one acquainted with the character of his hon. friend would venture to make such an imputation. - Vague charges, such as those made by the hon. and learned member for Toronto, were most improperly brought forward on such an occasion as the present. When the proper time arrived the hon. and learned member may rely upon it, that any specific charges against the Board of Works will be fully met. The tone and temper of the hon. and gallant knight representing the town of Hamilton, was such, that he (Mr. Hincks) had little inclination to make any reply to his remarks, but

as in one of the charges brought by the hon. member against the Government, appointing improper persons to office, he had thought proper to allude personally to a friend of his (Mr. Hincks) the Warden of the District of Brock, he could not allow the Speech to pass altogether without notice. The hon. and gallant knight had made certain charges against Mr. Lossing, the truth of which he (Mr. Hincks) most emphatically denied, and he would tell the House that although it was true that Mr. Lossing had been arrested and thrown into a dungeon during the dark period of our history in 1838, yet a jury of his country had pronounced a verdict of not guilty without leaving their box. (Hear, hear.) So much for the charge against Mr. Lossing, and he (Mr. Hincks) would not dismiss this part of the subject without declaring his conviction that that gentleman was arrested in consequence of his great and deserved influence in the township in which he resided. When the District Council Act went into operation Mr. Lossing was elected almost unanimously as a Councillor. At that time an hon. gentleman having a seat in another branch of the Legislature (Hon. Mr. De Blaquiere,) was Warden of the District, and presided over the Council with great satisfaction to them. On his retirement the Council were obliged to select a Chairman to act as Warden and by a very large majority, if he recollected right II to 355 they appointed Mr. Lossing to that honourable office. (Hear, hear.) What then would the hon. and gallant knight have recommended the Government to do? Why to appoint as Warden one of the party of the minority, who instead of co-operating with the Council would have set the District in confusion and turmoil. (Hear.) The course of the Government was that respecting the deliberately expressed opinion of the representatives of the people of the District, they had given them the man of their own choice as Warden. He (Mr. Hincks) although he had vindicated Mr. Lossing from the charge brought against him, had no hesitation in giving it as his opinion that even if it had been true; even if Mr. Lossing had been implicated in the unfortunate events of past years, and instead of having been acquitted by a jury of his country, had been convicted and subsequently pardoned, even admitting all this, if he possessed as much of the confidence of his countrymen as to be placed in the position in which he was placed, it would have been the duty of the Government to have appointed him Warden of the District. He would tell the hon. and gallant knight that if Municipal Institutions were to be successfully carried out, the wishes of the people must be respected, (hear, hear,) and here he could not refrain from observing, that had the well understood wishes of the people been attended to by the hon. and gallant knight and his friends, there would never have been a rebellion in Upper Canada. (Hear, hear.) He (Mr. Hincks) must tell the hon. and gallant knight and his friends, that they must bear their full share of responsibility for the evils which had distracted the Province. There had been the grossest mal-administration of the Government under the old system, which enabled men destitute of public confidence to occupy the position which he (Mr. H.) and his hon. colleagues now held on a very different tenure, and which they never wished to retain one moment after

they ceased to possess the confidence of the House. He (Mr. H.) had only to say in conclusion that if in his remarks he had evinced any degree of warmth, he trusted that the indulgence of the House would be extended to him, when they considered the unfounded attacks made not only on the Government of which he formed a part, but on private individuals who had no means of defending themselves in this House.⁵⁶

SIR ALLAN MACNAB said the hon. Inspector General had endeavored to defend Mr. Lossing from the charges he had brought against him. This Mr. Lossing had come to him at the time of the rebellion with a flag of truce from the rebel party⁵⁷ at the head of 500 men,⁵⁸ but he (Sir Allan) said to him that he knew him, and that he had better go off or he would fire his Mills. Some 3 or 4 days after this, a number of men, and he at their head, came to him with a petition to sign, and he thought the Administration were in possession of a document, which, if produced in evidence, would have placed him in a distant part of the world. Order,⁵⁹

((MR. SMALL cried:)) "it is unjust to make such charges."⁶⁰

When he ... ((SIR ALLAN MACNAB)) endeavoured to defend himself from the Inspector General up starts the Solicitor General and calls out that it is unjust to make such charges. He was stating the fact. Many of the poor people who were brought into difficulty through the influence of this Mr. Lossing, were heard to say "if it had not been for Squire Lossing we should not be in this state." Yet he is not to mention this for fear of hurting the sensitive feelings of the gentlemen on the Treasury Benches. Do what you like with such men, but is it just to place them in situations of power and emolument? Was there no other man in that District to make a Magistrate and Warden of?⁶¹ The Hon. Member also referred to the case of Eliakin Malcolm, for whose apprehension a reward had been offered, and who had been since made a magistrate of.⁶² He did not deny, but that many of the reformers were loyal men, but he knew many that were not. (Order.) He uttered that sentiment, and meant what he said.⁶³ Sir A. MacNab moved an amendment, that the consideration of the address be postponed till to-morrow.⁶⁴

DR. DUNLOP said that he wished to say only a few words. It was stated by one hon. friend opposite, that he had assumed that all the loyalty of the Province was confined to one party. He had not assumed anything of the sort.⁶⁵

MR. MOFFATT said that he felt rather anxious that the Address should pass quietly than that any discussion should have taken place upon it--and he thought that nothing had been said by those with whom he acted, to call for the expressions used by the hon. Solicitor General East. They had only desired to be understood that their assent did not imply

concurrence in all that it contained.⁶⁶

L'hon. M. LAFONTAINE fait observer que c'est à tort qu'on accuse d'honorables membres qui siègent sur le Banc de la Trésorerie d'avoir (sic) provoqué les remarques anti-parlementaires provenant de l'opposition. Que l'honorable membre pour Hamilton s'était plu à sortir des bornes de la discussion et à formuler des accusations contre son ami l'honorable procureur-général pour le Haut-Canada, accusations insolites et déplacées lors-même qu'elles eussent eu quelques fondement (sic), car elles n'étaient après tout que des personnalités et ne militaient nullement contre l'Administration; mais que, dénuées même de toute plausibilité comme elles l'étaient, rien ne pouvait les justifier; qu'on pouvait aussi adresser des reproches à l'honorable membre pour Toronto pour s'être laissé entraîner plus qu'il ne l'autait dû. Est-ce pour avoir réfuté leurs assertions et leurs arguments qu'on mérite le reproche d'avoir provoqué cette discussion?⁶⁷

MR. AYLWIN said he had been charged by the hon. member from Montreal with being the cause of this discussion. He (Mr. Aylwin) would tell him who was the cause of it. It was the hon. member for the City of Toronto. He knew that yesterday was the day for the discussion of the Speech, and that to-day all discussion upon it should have ceased; yet he had entered at large not only upon the discussion of the Speech, but upon the whole policy of the Government.⁶⁸

The hon. MR. BALDWIN said he had no desire to protract a debate to which the opponents of the Government had come tardily and with an evident reluctance. Nor should he imitate the example of the hon. Gentleman who had preceded him in either the tone or spirit of his discourse. He wished not to multiply or augment the dissensions of the country, but rather to heal its wounds and pour oil upon the troubled waters. He was a Canadian by birth, by education, and by feeling, and he felt pride in the avowal. Canada contained all he possessed in the world,—it held all that was dear to him,—in its prosperity he had a large stake; and so far from wishing to add to the spirit of dissension, he could only desire to see any measure calculated to advance the interests of his native country carried, if not by a perfect unanimity, at least with as little opposition as the differences natural to the human mind and character would permit. (Hear.) He did not stand there to deny the right of hon. gentlemen to express their opinions upon the Speech from the Throne. He had been prepared to meet them in the discussion on the first day of the Session, and had made a proposal to that effect; but after five days deliberation which the hon. gentlemen opposite had requested, they came down to the House to say nothing, and then by a surprise to introduce the debate when there was no reason to expect it. The earlier and usual stage for debate would certainly have been the more convenient one, but he was perfectly ready to go into the consideration of the subject whenever it pleased any portion of the

Members of that House to desire it. The hon. member for Hamilton had thought fit to drag into the discussion allusion to a matter that was personal to himself, referring to a transaction which had been frequently urged against him as something derogatory to his public character, and of a nature to disqualify him from holding a situation in the government of his country. However little that matter had to do with the question before the house he had yet no objection to enter upon it. He would beg to recal (sic) to the mind of the hon. and gallant member for Hamilton, that his (Mr. B.'s) share in that transaction was not a matter of choice with him, but was in a manner forced upon him. He had, indeed, as the hon. and gallant member affirmed, gone out with a flag of truce to the armed men who had approached Toronto; but at whose instance? (hear, hear.) It was at the personal desire, and upon the urgent solicitation of the panic-stricken Government of Upper Canada, which came to him in the person of the High Sheriff, to request his interference to stop the deluded men who were approaching the city. He complied, and went out with a flag of truce. He was sent back for some evidence from the head of the Government that he really came to them in the character and with the authority he pretended to have. And what was the return he received at the hands of the very man who had sent him out? Sir Francis Head, through the same functionary, refused to give him a single line to shew that he had really gone out under his sanction; and this humiliating refusal he was compelled to return and announce to those before whom he had but recently appeared as a party clothed with the authority of the Government. Sir Francis Head had not the magnanimity to avow his own act. This was the position in which he had been placed before his country by that man who was the idol of the honorable and learned member. He (Mr. B.) was made to appear in a most equivocal light,--and as a man of bad faith, who was trifling with the very lives of his fellow men under false pretences. And this was the man at whose call he was expected to take up arms! (hear.) He had acted then as he would now under similar circumstances, and if condemned by that House, which he did not fear, his own heart would sustain him. His country, which had honored him with its confidence, would not condemn him. He had often been assailed upon this point. He had been held up as a rebel and a traitor,--not by the honorable and gallant member, but by the ribald Press which was the organ of his party, and whose chief business appeared to be to heap calumny and abuse in every form that ingenuity could devise upon their political opponents. But, he cared not for this ribald abuse. He passed it over as unworthy of notice. He thanked God that he had a reputation, and he was perfectly willing to rest that reputation upon the verdict his country would pass upon those passages in his career upon which he had been most assailed. (hear, hear.) Notwithstanding all the abuse which had assailed him in his own country, which had been repeated against him in the Mother Country, and spread throughout Europe, what was the result? He had had the honor of being appointed to offices of high confidence by three different representatives of his Sovereign, and of having these appointments sanctioned by the Sovereign Herself, and that confidence

continued to him by a fourth Representative of the Sovereign, the present head of the Provincial Government. This was his justification--this his best defence against the taunts of his enemies. But, he did not stop even here. He had still other grounds of justification. Was he not sustained by that House, whose members were attacked by the hon. and gallant knight in the attack made upon him? If the hon. gentleman would look into the journals of the House he would find by the vote given at the commencement of last session,--a vote of 55 to 5, that his public conduct had been approved and that he enjoyed the confidence of his country. When, therefore, the gallant knight pointed to him as a man unworthy of holding a situation in the Government of the Country, it was not him alone that he attacked, but, with him, the Representatives of the people, the great majority of whom were included in the attack. Was this the hon. and gallant knight's statesmanlike mode of attaining the object of his ambition, which no doubt was to persuade the people of the country that he and his friends were more worthy to sit upon the Treasury Benches than those who now occupied them. He must have an object,--and this no doubt was his object. And who were they, it might be well to inquire, who thus sought the confidence of the country. Let them contemplate the monster Government the hon. and gallant member would establish. What were the Governments, who were the Governors par excellence, and what principles were those upon which the hon. and gallant knight had bestowed his unqualified praise? Were these not a Head, a Seaton, and an Arthur? (Hear, from the Opposition.) Did not the acts and systems of these men constitute the gallant knight's beau ideal of a perfect government? And were these the men whom the people of Canada would wish to see again seated in power amongst them? (Hear, hear.) The gallant knight had told them of his own treatment of Mr. Lossing, the Warden of the District of Brock. That gentleman, and men like him of unimpeachable character, honored by the confidence of the people amongst whom they lived --those were the men whom the gallant knight, if in power, would proscribe as unfit to hold any office of honor or emolument in the service of their country. (Hear.) And, he could not but remark, looking at the hon. and gallant member's monstrous threat to burn Mr. Lossing's mills and lay waste his property, how close in reality were his sympathies with the tastes of one of the three Governors he had so extravagantly eulogized,--⁶⁹

Cheers from the Lower Canada members⁷⁰.

((MR. BALDWIN continued:))--who carried fire and sword into the dwellings of the people. He (Mr. Baldwin) had no desire to oppose himself to the wishes of the people, or the will of the majority; and, if he ever attempted to do either, he hoped the hon. and gallant knight would interpose and help to sweep him not only from his seat upon The Treasury bench, but from any seat in that House; for it would be a disgrace to the country for any person entertaining such principles to have a voice either in advising the Representative of the Sovereign, or in the proceedings of

a Representative Chamber. The doctrine applied by the gallant knight to the case of Mr. Lossing, he would apply equally to the whole Province if he had the power. Mr. Lossing was under accusation, was tried by a Jury of his countrymen, and acquitted upon every charge. This was fully admitted by the gallant knight; but then, he said there were some documents in the possession of the Government, which were not produced against him on the trial, but which if produced would have established his guilt. This was the gallant knight's statement to the House, and he asked hon. members if such a statement against the character of a man after trial was consistent with any notion of English justice--whether such principles could emanate from a Briton having any regard for British liberty? (Hear, hear.) And when Mr. Lossing's present accuser alleged that criminatory documents were in the possession of the Government of that day which were not produced on the trial, he must excuse him for saying that to credit the fact as he stated it, he (Mr. Baldwin,) required to have more faith in the merciful dispositions of that Government than he could have, knowing it as he did, and as the country knew it, and as history would depict it to posterity. (Hear, hear, and clapping of hands.) The hon. and gallant knight would brand all as traitors who were marked out at a period of general commotion and excitement, and when all were liable to suspicion who did not belong to his party. His hon. friend, the member for Richelieu, was seized upon and incarcerated in a dungeon, and kept there for 19 months without a single charge having been brought against him, or which could be brought against him; and when it pleased the authorities, he was discharged without any accusation. Many others had been treated in a similar manner. There was for instance, his hon. and learned friend from South York (Mr. Price,) and his hon. and learned friend on his right (Mr. Lafontaine.) These also were the men whom the gallant knight's Government would proscribe--men who had been unjustly persecuted. He dissented from such doctrines. He disavowed and denounced them, and if such were the principles that that house desired to see carried out by the Government, let them say so, and he from that moment would cease to be a member of it. His hon. friend, the member for Oxford, had said that if former Governments had been conducted upon proper principles, and according to the well understood wishes of the people, all the evils which had distracted the Province would have been averted, and there never would have been a rebellion in Canada, and he agreed with him in this sentiment. The hon. and gallant Knight had lost political power, and why? Because the people held different principles from those he and his party professed, and he complained of injustice because the patronage of the Government was not bestowed upon them, but upon their political opponents. Now if that were an injustice, it was an injustice that he, (Mr. B.) should ever commit whilst he held a place in the Government, and at the same time to neglect worthy and deserving men, who were their political and conscientious friends and supporters. (Hear.)

He would explain to them the principles upon which he would act with respect to the matter. The first thing he would look to would be the competency of the individual, and if he could not find a friend possessing the necessary qualifications, then even a political opponent might be recommended but to a political friend and supporter he should ever consider the preference ought to be given. This was no new opinion of his, avowed for the first time now, but one long held and often declared. The hon. and gallant knight seemed to think that the Government ought to support those who acted and thought with him, and overlook its own supporters; but there was not much danger of his (Mr. B.) being converted to this view. It is the policy of the hon. and gallant Knight to advocate this course; but he believed his private opinion upon the subject to be very different. The hon. and gallant Knight was himself a party man. He had avowed himself as such; and as there could be no party where no distinction was made between one set of opinions and another, and the persons who entertained them, he stood self contradicted, or could only be sincere in his present declaration at the expense of his consistency as a politician. At all events, he wished it to be distinctly understood that he (Mr. B.) would never consent to become the tool of any man, or to recommend for office the adherents of a political enemy. Defeat must ever attend such a course, and he must be an incompetent or an insincere politician who could follow it. (Hear.) He would now refer to the only point in discussion before the house, and that but briefly. The question before the house was the Address in answer to the Speech from the Throne. The Speech itself was a mere formal mode of opening the communications between the different branches of the Legislature, and the address in answer pledged those who supported it to be little more than a respectful assurance to the Head of the Government, that they would give their attention to the business of the Session. It did not pledge them to the Ministerial policy or measures. These would have to stand upon their own merits, and persons who voted the Address would be perfectly free and untrammelled upon every measure that might hereafter be brought forward by the Government. This was the principle of the proceedings and the understanding with respect to it in England, and they had attempted to follow it here. The Speech had purposely abstained from topics that could give rise to opposition or debate. That there was but little to say upon it seemed admitted by the course pursued by the hon. gentlemen opposite yesterday, the day appointed by themselves for making known their objections. Those that had been urged this day were of so light, flimsy, and superficial a character, that they could scarcely be deemed worthy of notice; and what little there was in them had been already adverted to by his hon. friend the member for Oxford. The sins of commission in the speech were but few, but the hon. and learned member for Toronto (Mr. Sherwood) had made the discovery that there were some sins of omission--that the topics introduced into the speech from the Throne, were fit only for newspaper paragraphs, while on the other hand the topics that had been omitted were the only ones that ought to have been introduced. He must

confess his inability to see any adequate foundation for the hon. and learned gentleman's complaints. Did the hon. and learned gentleman mean to say that the judicature of the country was a subject of trifling importance, beneath the attention of the House, and fit only for a newspaper paragraph? Did he mean to apply the same observation to the Jury laws--was that a subject fit only for newspaper comment? and was this the manner in which the hon. and learned gentleman spoke and felt upon subjects worthy of engaging the attention of the loftiest minds? (Hear, hear.) The hon. gentleman had alluded to Emigration as one of the omissions in the Speech, and made it a matter of complaint that the subject was not introduced in that document. Would it be justifiable, would it not be dangerous to hold out encouragement in a Speech from the Throne, to persons to come to this country to enjoy advantages that could not be realized? Had they not had a warning upon this subject in the sending home of Dr. Rolph with some undefined authority, to agitate the country in favour of Emigration? We knew that his labours had been productive of the very worst consequences, in inducing people to come here under expectations, in which they were disappointed. He objected to the filling of this country with a pauper population, having none of the qualities that would make a settler useful to himself, or beneficial to the country. (Hear, hear.) He felt as desirous of promoting Emigration as any man, and he was sure that whoever wished the welfare of the country must desire to see the wild lands filled up by an industrious population. There were many in England who were of no use here, and he objected to their inviting that class to our shores as it would only bring misery on themselves and the country. The Government that acted in such a manner would incur a very serious responsibility. There was another omission in the Speech that the hon. and learned member had descanted upon, and he must say he thought it rather singular that a gentleman aspiring to the reputation of a constitutional lawyer should seek the interference of the Executive with the election laws of the country--a subject relating to the privileges of that House, and upon which all representative bodies were known to entertain so much jealousy. He was not prepared to say that a Registration clause in the Election law would be a benefit to the country; but he could well understand with what indignation the hon. and learned gentleman would have denounced himself (Mr. Baldwin) and his friends, if they the champions of the rights and privileges of the people when out of place, had signalized their entrance to power by putting a recommendation of this kind into the mouth of the Governor General. He had now gone through the principal objections to the Speech and the Address. What had been said, and what had not been said fully warranted the conclusion that there were in fact no substantial objections to bring forward. Had it been otherwise, yesterday probably they would have known it. That was the day appointed by the gallant Knight and his friends for that onslaught upon the Ministerial benches which was to prove their destruction. But the day came, it passed away. The gallant Knight and his friends came down in their panoply, and when the fearful hour arrived in which he (Mr. Baldwin)

and his colleagues were to receive their quietus from the formidable opposition, led by the gallant Knight, not a blow did they strike, not a word had they to offer. The great business of the day was allowed to pass almost sub silentio. The hon. and gallant Knight, however, did not intend they should escape so easily. If the gallant Knight's spirits drooped yesterday, he was in full courage to-day; and after five days deliberation, and then another day's postponement, the great statesman upon whom the hopes of the Opposition were fixed, had actually got the length of an amendment upon the Address to the important effect, of its being still further postponed until "to-morrow,"--(cheers and laughter.) This really was the miserable conclusion to which the gallant leader of the Opposition and his friends had come, after detaining that House for the better part of a week from the discharge of its constitutional duty of making a suitable reply to the Speech with which His Excellency had opened the session. (Hear, hear.)⁷¹

MR. MORRIS said that he regretted the painful feelings that had been aroused by this discussion. He thought it unwise, and that it manifested an unchristian spirit, to recur to the scenes of 1837 and '38, in the manner in which some hon. members had done. He stood in that House as a supporter of the Government, and no man could accuse him of interested motives. He was not personally acquainted with any of the Gentlemen forming the Administration, unless slightly with one of them--and they had not an office in their gift that he would accept of. He did not, therefore support them from interested motives, but he supported them for one reason among many others, because they possessed the confidence of his constituents and the country. As an independent member of that House he would support them when he thought them right and oppose them when he thought them wrong. He regretted to say that there was one dark spot in the conduct of the Administration, and that was the removal of Mr. Murney from the Office which he held as Clerk of the Peace. He was connected with that gentleman as a relation, and it might be thought that he spoke in this way on that account; but he did no such thing. He did think it unjust that Mr. Murney should have been removed from the office which he held upon the grounds assigned for that removal. He (Mr. Murney) was born in this Town, had lived there from his birth, and bore an unimpeachable character;--he had held the situation for three years and discharged its duties satisfactorily--no complaint that ever he heard of had been made against him--and what was his offence? offering himself to represent the County of Hastings. He knew it might be said that according to the practice in England when anyone holding office under the Government offers himself in opposition to it, that he should first resign that office, but this he thought referred to much higher offices than a Clerk of the Peace. This then, was all the charge he could bring against the Government. An hon. member had said that in Canada West a general feeling of want of confidence and dissatisfaction exists among the people. He (Mr. Morris) did not know much of the country west of Kingston, but he avowed that in the Johnstown District, which he had the honor to represent no such feelings existed. It is not true that the

people generally are dissatisfied, or have lost confidence in the present administration. It was true that there were a few dissatisfied, but these were mostly disappointed office seekers. It occurred to him that the Government had been charged by the hon. gentlemen who speak in Opposition with many things which were fairly attributable to themselves--and that the accusations against the Board of Works were one and all of this character. He would now close these few remarks. He had not intended to say anything at the present time, but he felt it to be his duty to make the observations which he had done.⁷²

MR. DUGGAN, said he had intended not to have spoken to-day upon the question before the house, but as it seemed to him that silence would be confused into approval, and as he considered the Speech exhibited the Province and its affairs in a most unsatisfactory and wretched state, and offering very little prospect of redress--he would say there was great reason to complain. The hon. member who had just sat down--the hon. member for Leeds, who had spoken with so much candour--the friend of the administration--had said there was one dark spot upon it, namely, the removal of Mr. Murney from the office of Clerk of the Peace--a most worthy and deserving character, who had well and faithfully discharged his duty. He (Mr. Duggan) could assure that hon. member and the House that there were many, yes very many, dark, aye black spots upon the present Administration. It was only necessary to look around and it would be apparent to any one. Let them look to Hamilton and witness the injustice and cruelty practiced on Mr. Berrie, the Clerk of the Peace, a most amiable and unimpeachable character, and for what? Because he had sufficient integrity not to be the willing slave and tool of the Executive --because he would not vote and act contrary to his conscience--because he dared to exercise his undoubted right as a freeman--one of the dearest rights--to vote for the man of his choice; for this he is followed by Executive vengeance, persecuted by an arbitrary and unjust Government, by an arbitrary Executive.⁷³

Hear, hear ((was heard)) from the hon. MR. AYLWIN and the Treasury Benches.⁷⁴

((MR. DUGGAN resumed.)) Yes, the hon. gentleman may cry "hear, hear." He may say that he was not chargeable with the transaction, but he (Mr. Duggan) as did also the hon. member for Leeds, charged the present government with the dark spot--with acting upon the same unjust and arbitrary principles towards Mr. Murney as in the persecution of Mr. Berrie. Who was the cause of Mr. Murney's removal? The hon. Attorney General for Canada West, and Mr. Murney was persecuted because he was high in the estimation of his fellow subjects who were anxious to shew they preferred him to the hon. Attorney General, and because he did not forsake his principles and become the tool of the Administration. He is to be put down--aye if he had only been false to himself and to his country, and basely submitted and seemed to approve of what he utterly

and justly condemned,--had he submitted to this degradation--this virtuous and liberal administration would have accepted the servile act, and he would have retained his office. Persecution for opinions is the course of the present Administration. Look to the attempt made to shackle and corrupt the public press, to stifle the free expression of opinion, and persecute as far as they have the power all who will venture to expose and heartily to condemn what they believe to be wrong in the Government,--witness the Patriot newspaper at Toronto--and is this equal justice to all; and these are the doings of the present liberal Administration. He had hoped that from amongst the many speakers on the Treasury Benches some one would have informed the House and the public how the embarrassments and difficulties of the province were to be alleviated or not, and especially he had expected some information from the hon. the Inspector General; it was admitted that there was great falling off in the Returns, while at the same time taxation increased--the Banks were taxed, yielding several thousands of all income; thousands more it was said was secured by the efficient management of the Customs department with its able comptroller, yet with all their good management there was fearful deficiency. The hon. member proceeded to address the House at considerable length, going over the ground already occupied by previous speakers in the opposition.⁷⁵

The amendment was then negatived⁷⁶.

The motion for adopting the Address was agreed to nem con.⁷⁷

(12)

Ordered, That the said Address be engrossed.

Resolved, That the said Address be presented to His Excellency, the Governor General, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency the Governor General, to know His Excellency's pleasure, when he will be attended by this House with its Address.

The Honourable Dominick Daly, one of the Members of the Executive Council, rose in his place and acquainted Mr. Speaker and the House, that His Excellency the Governor General will receive the House, with its address, to-morrow, at two o'clock, P.M.

Sir John Caldwell's Estate Bill.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill, for securing the Province against any unnecessary loss on the Judicial sale of certain parts of the vacant Estate of the late Honourable Sir John Caldwell.

He accordingly presented the said Bill to the House, and the same was received and read, for the first time, and ordered to be read a second time on Monday next.

Canada West
Real Estate
Bill.

Ordered, That the Honorable Mr. Sherwood have leave to bring in a Bill to afford relief, in certain cases, to sellers of Real Estate, in Canada West.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

New Writ for
Montreal.

The Honourable Mr. Viger moved, seconded by Mr. Roblin, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery to make out a new Writ for the Election of one Member, to serve in the present Provincial Parliament, for the County of Montreal, in the room of Alexander Maurice Delisle, Esquire, who since his election has accepted the office of Clerk of the Peace for the District of Montreal.⁷⁸

Some discussion arose out of this, by which it appeared that Mr. Delisle and a Mr. Brehaut filled the office conjointly. By the late Commission, the office, however, was conferred upon Mr. Delisle alone, thus doubling his emoluments. This was urged on the part of the Administration, as having incapacitated Mr. Delisle from holding a seat in the House, without being again elected. The House did not coincide with this view of the matter.⁷⁹

During the course of the discussion, MR. LAFONTAINE observed, that the fewer office holders in the House the better.⁸⁰

MR. SHERWOOD, seconded by MR. TASCHEREAU ... ((moved that it be)) referred to a Committee of Privileges.⁸¹

(12)

Resolved, That that the said motion be referred to a Special Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers and records.

Ordered, That the Honourable Mr. Sherwood, the Honourable Mr. Moffatt, Mr. Quesnel, the Honourable Mr. Attorney General Baldwin, and the Honourable Mr. Neilson, do compose the said Committee.

Temporalities
Church of Eng-
land.

On motion of Mr. Johnston, seconded by Mr. Roblin,

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to take into consideration the expediency of amending the Act of the 4th and 5th Victoria, cap. 74, passed in the fifth Session of the thirteenth Provincial Parliament of Upper Canada, intituled, "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned."

Seat of Gov't.

Sir Allan N. MacNab moved, seconded by Mr. Cartwright, that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of all communications between the Executive Government of this Colony and Her Majesty's Government, relative to the subject of the Seat of Government.

The Honourable Mr. Attorney General Baldwin moved, in amendment, seconded by Mr. Christie, That after the words "Seat of Government," in the said motion, the following be added, "or such parts thereof, or other information on the same subject, as His Excellency may feel himself at liberty to communicate to this House."

The question having been put, on the motion of amendment, it was agreed to by the House.

The question being then put on the main motion, as amended, it was also agreed to by the House, and

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of all communications between the Executive Government of this Colony, and Her Majesty's Government, relative to the subject of the Seat Government, or such parts thereof, or other information on the same subject, as His Excellency may feel himself at liberty to communicate to this House.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

New Writ for
Hastings.

The order of the day for taking into consideration a motion made yesterday by Sir Allan N. MacNab, viz.:--"That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament, for the County of Hastings," being read,

The House proceeded accordingly, to take the said motion into consideration.

And the said motion being again read, and the question put thereon, it was agreed to unanimously, and

Ordered accordingly.

Ordered, That when this House doth adjourn, it will adjourn until to-morrow at one o'clock, P.M.

On motion of Mr. Cameron, seconded by Mr. Johnston,

Lumber Trade.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House to take into consideration the propriety of amending the Act passed in the last Session, regulating the Lumber Trade.

(13)

Then, on motion of Mr. Forbes, seconded by Mr. Christie,
The House adjourned.

APPENDIX, 3 OCTOBER 1843.

((QUESTION AND ANSWER RE: S. B. HARRISON'S RESIGNATION.))⁸²

MR. SHERWOOD enquired for information in pursuance of a notice relative to the rumour respecting the resignation of Mr. Harrison.⁸³

The latter gentleman ((MR. HARRISON)) expressed his intention to furnish every explanation on his part, when the papers relative to the Seat of Government were before the House.⁸⁴

MR. BALDWIN also, on the part of the Government, stated that the office filled by Mr. Harrison was vacant; that the Government had it in contemplation for some time to abolish it previous to Mr. Harrison's resignation; that he having resigned, the vacancy would not be filled up, but that the member for Megantic, who now performed the duties of it conjointly with his own, as Secretary East, would continue to do so. (Hear hear!)⁸⁵

FOOTNOTES - 3 October 1843.

1. The following debate was reported by: LA MINERVE, 7, 14, 16 October 1843; L'AUREOLE, 7 October 1843; ST. CATHARINES JOURNAL, 26 October 1843; KINGSTON CHRONICLE, 7 October 1843, copied by the EXAMINER, 11 October 1843; MONTREAL GAZETTE, 7 October 1843, in an account identical to that in BRITISH COLONIST, 10 October 1843; and in MONTREAL TRANSCRIPT, 7, 10 October 1843.
2. MONTREAL GAZETTE, 7 October 1843. However, the KINGSTON CHRONICLE, 7 October 1843, reported instead that: "Mr. Viger moved, that the House resolve itself into a Committee of the whole to take into consideration the Address prepared in answer to the Speech from the Throne." In addition, LA MINERVE, 14 October 1843, reports that: "La chambre se forme en comité général pour s'occuper de l'adresse préparée par le comité de la veille en réponse au discours du trône." The MONTREAL TRANSCRIPT, 7 October 1843, also refers to the debate "in Committee". However, because the rest of the sources for this debate and above all, the JOURNALS, do not mention that the House went into committee of the whole, this information has been confined to a footnote, its accuracy by no means irrevocably established by the fact that several sources do contain it.
3. MONTREAL GAZETTE, 7 October 1843.
4. IBID.
5. KINGSTON CHRONICLE, 7 October 1843.
6. MONTREAL GAZETTE, 7 October 1843.
7. IBID.
8. MONTREAL TRANSCRIPT, 10 October 1843. These remarks were contained within quotation marks.
9. KINGSTON CHRONICLE, 7 October 1843.
10. IBID.
11. IBID.
12. IBID.
13. MONTREAL TRANSCRIPT, 10 October 1843. These remarks were contained within quotation marks probably because the reporter wished to indicate that he was giving the speaker's own words though the report was still in the third person.
14. KINGSTON CHRONICLE, 7 October 1843.
15. IBID.
16. IBID.
17. IBID.
18. MONTREAL GAZETTE, 7 October 1843.
19. IBID.
20. IBID.
21. KINGSTON CHRONICLE, 7 October 1843.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.

27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. MONTREAL GAZETTE, 7 October 1843.
33. KINGSTON CHRONICLE, 7 October 1843.
34. MONTREAL GAZETTE, 7 October 1843.
35. KINGSTON CHRONICLE, 7 October 1843.
36. MONTREAL GAZETTE, 7 October 1843.
37. KINGSTON CHRONICLE, 7 October 1843.
38. IBID.
39. MONTREAL GAZETTE, 7 October 1843.
40. KINGSTON CHRONICLE, 7 October 1843.
41. MONTREAL GAZETTE, 7 October 1843.
42. KINGSTON CHRONICLE, 7 October 1843.
43. MONTREAL TRANSCRIPT, 10 October 1843.
44. KINGSTON CHRONICLE, 7 October 1843.
45. MONTREAL TRANSCRIPT, 10 October 1843.
46. MONTREAL GAZETTE, 7 October 1843.
47. KINGSTON CHRONICLE, 7 October 1843. However, the MONTREAL TRANSCRIPT, 10 October 1843, reported that "The hon. member here read an extract from the Aurore newspaper amidst laughter from the ministerial benches," rather than the TORONTO MIRROR.
48. KINGSTON CHRONICLE, 7 October 1843.
49. IBID.
50. IBID.
51. MONTREAL GAZETTE, 7 October 1843.
52. KINGSTON CHRONICLE, 7 October 1843.
53. IBID.
54. LA MINERVE, 14 October 1843.
55. KINGSTON CHRONICLE, 7 October 1843. But the MONTREAL TRANSCRIPT, 10 October 1843, says "13 to 3".
56. KINGSTON CHRONICLE, 7 October 1843.
57. IBID.
58. MONTREAL TRANSCRIPT, 10 October 1843.
59. KINGSTON CHRONICLE, 7 October 1843.
60. IBID.
61. IBID.
62. MONTREAL TRANSCRIPT, 10 October 1843.
63. KINGSTON CHRONICLE, 7 October 1843.
64. MONTREAL GAZETTE, 7 October 1843.
65. KINGSTON CHRONICLE, 7 October 1843.
66. IBID.
67. LA MINERVE, 16 October 1843.
68. KINGSTON CHRONICLE, 7 October 1843.
69. IBID.
70. IBID.
71. IBID.

72. IBID.
73. IBID.
74. IBID.
75. IBID.
76. MONTREAL GAZETTE, 7 October 1843.
77. KINGSTON CHRONICLE, 7 October 1843.
78. The following debate was reported by: MONTREAL TRANSCRIPT, 10 October 1843; and MONTREAL GAZETTE, 7 October 1843.
79. MONTREAL GAZETTE, 7 October 1843.
80. IBID.
81. IBID.
82. The following exchange was reported by: MONTREAL TRANSCRIPT, 10 October 1843; and the MONTREAL GAZETTE, 7 October 1843.
83. MONTREAL GAZETTE, 7 October 1843.
84. IBID.
85. IBID.

WEDNESDAY, 4 OCTOBER 1843.

1 O'clock P.M.

(13)

ORDERED, That when this House doth adjourn, it will adjourn until four o'clock, P.M. this day.

2 Petitions
brought up.

The following Petitions were severally brought up and laid on the table:

By the Honourable Mr. Harrison--The Petition of the Municipal Council of the Western District.

By Mr. Judah--The Petition of the Reverend C. Gagnon, and others, inhabitants of the Townships of Somerset, Stanfold, and other places.

At the hour appointed, Mr. Speaker and the House attended upon His Excellency, with the Address of the House;

And being returned,

Mr. Speaker reported that the House had attended upon His Excellency, the Governor General, with their Address in answer to the Speech of His Excellency to both Houses of the Legislature, at the opening of the present Session of the Provincial Parliament; to which His Excellency was pleased to make the following answer:

Reply to Address Gentlemen of the House of Assembly,
in answer to Speech.

I thank you for your Address, and for your congratulations on my assumption of the Government of this Province, and I rely with confidence on your support and assistance in my administration of its affairs.

Then, on motion of the Honorable Mr. Viger, seconded by Mr. Christie, The House adjourned.

4 O'clock P.M.

10 Petitions
brought up.

THE following Petitions were severally brought up and laid on the table:--

By Mr. Simpson--The Petition of the Members of the Medical Board of Montreal; and the Petition of Saveuse de Beaujeu and others, inhabitants of the County of Vaudreuil.

By Mr. Cameron--The Petition of the Honourable Adam Ferrie, of Montreal.

By Mr. Child--The Petition of David Connell, and others, inhabitants of the County of Stanstead.

By Mr. Holmes--The Petition of A. F. Holmes, M.D., and others, Professors and Lecturers of the Medical School in connexion with McGill College, at Montreal; and the Petition of E. M. Leprohon, and others, Inspector and Assistant Inspectors of Pot and Pearl Ashes, of the City of

Montreal.

By the Honourable Mr. Hincks--The Petition of the Municipal Council of the District of Brock (relating to Agriculture); and the Petition of the District Council of the District of Brock (relating to the Registry Office.)

By the Honourable Mr. Solicitor General Aylwin

--The Petition of Aeneas Bell, of the City of Toronto.

By Mr. Christie--The Petition of Andrew H. Young, and others, of the City of Quebec.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Adam Johnston, and others, inhabitants of the 3rd Concession of the Township of Cornwall, in the Eastern District, praying that the line run by Mr. J. McCarty, be established by law as the Eastern boundary of the said 3rd Concession of Cornwall.

Of Edward Ryall, and other inhabitants of the Township of Oro, praying for a repeal of the Common School Act; and for certain amendments to the Municipal Council Act.

Of John Craig and other inhabitants of the County of Simcoe, praying for Agricultural protection.

Of the Municipal Council of the District of Bathurst, praying for a grant of money to improve a main road from Fitzroy Harbour to the Lake-Des Allumettes, in the said District.

Of the Municipal Council of the District of Bathurst, praying that the time allowed to the Collector of Township Rates to return his Roll to the Treasurer of the District, be extended to the third Monday in February in each year.

Of the Municipal Council of the District of Bathurst; praying for aid to open a Road from Bytown to Kingston, by the way of Perth.

Of the Municipal Council of the District of Bathurst; praying that they may not be required to meet oftener than twice in each year.

Of the Municipal Council of the District of Bathurst; praying for a grant to complete a main Road from the Southern to the Northern extremity of the District.

Of the Municipal Council of the District of Bathurst; praying that the monies arising from Licenses and Fines in the District, be placed at their disposal, for carrying on public improvements in the said District.

Of John Russell and others, Common School Teachers, in the Township of Bathurst, in the District of Bathurst; praying that the District Treasurer be authorized to divide the money in fund for School purposes.

Of James Greig and others, Inhabitants of the Township of Ramsay, in the District of Bathurst, praying for a repeal of the Common School Act, and the renewal of the Laws formerly regulating Schools.

Of Uriah Jewett and other Inhabitants of the County of Stanstead; praying that the Fish called Maskinongé, may not be taken during the spawning season in Lake Memphremagog, and its inlets and outlets.

Of Alexander Kilborne and other Inhabitants of the County of Stanstead; praying for agricultural protection.

Of Jean Baptiste Miville de Chene, of the Parish of Sainte Famille, in the Island of Orleans; praying for an indemnity for the loss of a vessel chartered to the Government of that part of the Province formerly called Lower Canada.

Of Alexander Fraser, of the Parish of St. Valier; Praying for the continuation of the privilege of levying toll on a certain bridge erected on the River Boyer.

Of Jean Durocher, of the Parish of St. Mathieu de Beloeil; praying a pension or allowance, in consequence of a wound received from a sentry at Beloeil.

Of Mrs. Elizabeth M. Reid, and other Directresses of the Protestant Orphan Asylum of Montreal; praying for an Act of Incorporation.

Of Mrs. Elizabeth M. Reid, and other Directresses of the Protestant Orphan Asylum of Montreal; praying for a grant of money for the support

(14)

of the said Institution.

Of Archibald Petrie, and other Electors of the County of Russell, in the District of Ottawa; setting forth:--That by an Act of the late Province of Upper Canada, passed in the first year of the Reign of Her present Majesty, Victoria, chap. 25, sec. 2: it is enacted that certain Townships, among which are Gloicester and Osgoode, do constitute and form the County of Carleton, and that the said Townships of Gloicester and Osgoode form part of the District of Dalhousie.

That at the last Election for the said County of Russell, Archibald Petrie, of the Township of Cumberland, in the County of Russell aforesaid, Esquire, and William Stewart, of Bytown, in the County of Carleton,

Esquire, were the Candidates for the Representation of the said County of Russell, in the Legislative Assembly of this Province.

That notwithstanding the provisions of the above mentioned Act, the Returning Officer directed that Polls for the Election of a Member, to represent the County of Russell, should be taken in the said Townships of Osgoode and Glocester.

That previous to the opening of the Polls in and for the said Townships of Glocester and Osgoode, the said Archibald Petrie handed to the respective Deputy Returning Officers of the said last named Townships, a protest against their polling any votes therein, as he considered that the last named Townships belonged to the County of Carleton, which protests are annexed to the Poll Book taken in the said Townships.

That the said Archibald Petrie had a large majority of votes in the said Townships of Cumberland, Clarence, Cambridge and Russell, which Townships, as your Petitioners contend, form the County of Russell.

That the said William Stewart having polled a larger majority of votes in Glocester and Osgoode than the majority of the said Archibald Petrie in the other four Townships above named, the Returning Officer proceeded to declare, and did declare the said William Stewart to be the Representative duly elected to serve the said County of Russell in the Legislative Assembly of this Province.

Your Petitioners therefore humbly submit the above facts for the consideration of Your Honourable House, in order that Your Honourable House may decide whether or not the said Townships of Glocester and Osgoode did at the time of the said Election form part of the County of Russell, and if not, that Your Honourable House would direct the Return made to be amended by striking out the name of William Stewart, and substituting in its place that of Archibald Petrie--the last named Gentleman having the majority of legal votes in the said County of Russell, that he may be thereby enabled to take his seat as our Representative in Your Honourable House, and that Your Honourable House would be pleased to direct what is right and just to be done in and about the Premises.

Of P. C. Valois, and other Inhabitants of the Parish of Lachine, and other places; praying that the road from Lachine to Sawyer's Ferry at St. Ann's, at the upper end of the Island of Montreal, may be repaired at the public cost.

Of the Bank of Montreal; praying for an extension of the time granted by the 4th and 5th Victoria, chap. 98: for the payment of the additional stock of the said Bank.

Of William Macintosh, and other inhabitants of Lower Lachine; praying for an extension of the Ordinance for the improvement of the Upper Lachine Road to the whole of the Lower Lachine Road.

Of Thomas M'Lean, and other inhabitants of the Township of Zorra,

East; praying for a division of the said Township, into two Townships.

Of Charles Cunningham, and others, of the City of London, in England; praying for an Act to incorporate them as a Fishing Company, and for other purposes.

Of the Municipal Council of the Johnstown District; praying for certain amendments to the Municipal Council Act.

Of the Municipal Council of the Johnstown District; praying that twenty-five thousand Acres of Land may be appropriated by Law, for the further endowment of District Grammar Schools in Upper Canada.

Of the Municipal Council of the Johnstown District; praying to be relieved from the responsibility of the payment of six thousand pounds expended on the Macadamized Road from Erockville to St. Francis, and that the same be assumed by the Provincial Government, and that the balance of thirty thousand pounds appropriated by Act of Parliament for the completion of the said Road, be paid either to the said Municipal Council, to the Board of Works, or to the Commissioners for the said Macadamized Road.

Of Cyprian Morgan, of the Township of Yonge, in the Johnstown District; praying to be naturalized.

Of Henry Smith, Warden of the Provincial Penitentiary; praying for an increase of Salary.

Of George Rykert, and others, late Boundary Line Commissioners for the Niagara District; praying that a summary mode may be provided for recovering the costs and expenses incurred under the Boundary Line Commissioners Act, now expired.

Of Peter Lampman and Adam Stull, of the Township of Grantham, in the Niagara District; complaining that their pensions as wounded Militia men, were withheld from them for 1821 to 1828, and praying for the same.

Of the Municipal Council of the District of Kamouraska; praying for a repeal of the Ordinance relative to Winter Roads, and for the amendment of the Registry and Municipal Council Acts; and the Act to provide for the Administration of Justice in Lower Canada.

Of the Municipal Council of the District of Sydenham; praying for an aid to erect a Gaol and Court House in the Town of Aylmer, in the said District.

Of D. McLean and others, of the Township of Buckingham, in the District

of Sydenham; praying for the abolition of the Municipal Councils, and the re-enacting of the Provincial Statute of Lower Canada, 2nd Will. 4th, Chap. 44.

Of Alanson Cooke, and other inhabitants of the Seigniorship of Petite Nation, District of Montreal; praying for the abolition of the Municipal Councils; and that power may be given to Incorporated Townships and Parishes, to elect a certain number of persons to transact the affairs of their Corporation; and for the re-enacting of the Provincial Statute of Lower Canada, 2nd Will. 4th Chap. 44.

Of Joseph Laurin, and others, of the City of Quebec, Censitaires on the domain of the Crown; praying a deduction of one-third from the Lods et Ventes due, and that they may be allowed to pay the remainder by four

(15)
equal annual instalments.

Of François Cinq Mars, and other Pilots for and below the Harbour of Quebec; praying for an Act of Incorporation.

Of Narcisse Arcand, and others, Pilots for, and below the Harbours of Quebec and Montreal; praying that the first Montreal Pilot, boarding a Vessel, may have a legal right to pilot the same to Montreal, if it be bound to that port.

Of Charles Doane, and others, of the Fourth Riding of York; praying for a reduction of the Salaries of Public Officers.¹

((MR. LAFONTAINE moved for the reception of this petition.))²

MR. JOHNSTON said that in his opinion the petition ought to be thrown under the table, as it was insulting to that House and to the Government; it was neither creditable to the wit or wisdom of those who executed it; he did not know who had presented it to the House.³

MR. LAFONTAINE rose and stated that he had presented the petition; it was one from a portion of his constituents, and he was bound so to do. He had read the petition, and though he did not agree with all stated in it, yet he was satisfied the petitioners intended no disrespect whatever to the House; they had merely expressed in their own way their opinions of the expenses of Government, and he hoped the House would not object to receiving the petition.⁴

DR. DUNLOP remarked that the petition was not written in English, nor French, nor any languages that he knew of, and he would most readily second the hon. member for Carleton in having it thrown under the table. It was most offensive to the House, and to say the least of it, a very

unparliamentary petition.⁵

MR. CHRISTIE saw nothing in the petition but a complaint that the salaries paid to public officers were altogether too high, and in that the petitioners were not singular. As to the objection to the language, hon. gentlemen must remember that the petitioners, many of whom earned a subsistence by the sweat of the brow, had not the advantages that the hon. and learned member for Huron or the hon. member for Carleton had enjoyed. (Hear.) But it might be remembered, too, that language had been used in that House which those hon. gentlemen would hardly be willing to measure by the standard which they now sought to apply. (Hear, hear.) He therefore trusted that when a portion of the people of the Province came before that House by petition, stating their grievances and praying redress that their petition would not be rejected on grounds so frivolous.⁶

MR. VIGER said that the hon. gentleman had forgotten that previous to the passage of the Reform Bill in England, numerous petitions were sent to the House of Commons, extremely offensive, accusing members of corruption and alleging that Parliament did not represent the people, and that these were not rejected; and was it for that House to say that petitions should not be received merely because they were not drawn up with the care and accuracy with which a professional man would draw out such documents? The right of petition was a most sacred one; it could not be infringed and when people complain of grievances those complaints should receive every consideration.⁷

CAPT. STEELE saw nothing offensive in the petition; it contained merely the simple expressions of simple and loyal men, (hear, hear,) and he thought it would be a denial of justice to refuse to receive the petition.⁸

MR. PRICE felt himself called upon to make a few remarks in relation to the petition before the House, as the petitioners resided in the county one of the ridings of which he represented. He was acquainted with many of the individuals who had signed that petition, and he could assure hon. gentlemen that they were as respectable as any in the county. From the reading of the petition, he imagined he knew by whom it had been drawn up; the individual to whom he alluded wrote in a style peculiar to himself, but he was satisfied no disrespect was intended to the House.⁹

MR. NEILSON was surprised that hon. gentlemen should for a moment discuss the reception of a petition addressed to that House, because that petition was not expressed with grammatical correctness; men who earned their bread by hard labor could scarcely be expected to exhibit classical attainments; and when such men addressed that House in their own languages, and stated grievances, it was the duty of the House to receive their petitions, and inquire into the matter of complaint. There were many grievances arising from the Act under which they were assembled, and that

was one of them; and the petitioners had a right to complain. The right to petition was a sacred right - a right guaranteed to them by the British Constitution, and hon. gentlemen should not seek by cavilling and finding fault with the language of a petition, virtually to deprive them of it.¹⁰

MR. SHERWOOD hoped that hon. gentlemen would exhibit the same willingness to grant the prayer of the petition that they had to receive it.¹¹

"Yes, yes," from MR. AYLWIN.¹²

The question being put, the petition was received.¹³

Of George T. Denison, Junior, and others, of the City of Toronto; praying that the West Toll Gate be removed outside the City Liberties where it was formerly.

Of William Leonard of New Carlisle, County of Bonaventure, in the District of Gaspé; praying to be remunerated for his services during the four years ending first May, 1840, as School Teacher in the said District, by appointment from the Royal Institution, at Quebec, for the advancement of learning.

Of Robert Modiswell, and others, of the Township of Goderich, in the Huron District; praying for the passing of an Act to compel Absentees to pay their taxes annually, in the said District.

Of Miss Margaret Kerr, and others, Managers of the Male Orphan Asylum of Quebec: praying an aid for the support of the said Asylum.

Of P.D. Fraser and others, freeholders of the District of Ottawa; praying for the passing of an Act to relieve the owners of lands sold for arrears of taxes in the said District in the year 1839.

Of the Rev. Pierre M. Mignault, founder and Superior of the College of Chambly; praying for a larger allowance than has been granted him during the last few years, in order to enable him to discharge the debts of the Institution and to provide for its support.

Of Mrs. M.F. Viger and other Directresses of the Catholic Orphan Asylum of Montreal; praying a grant of money in aid of the said Institution.

Messages from His
Ex'y the Gov'r
Gen'l.

The Honourable D. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker, four Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of

the House being uncovered, and are as followeth:

C.T. Metcalfe.

Despatches.

The Governor General transmits herewith, for the information of the House of Assembly, copies of two Despatches No. 270, 7th Nov'r, 1842 from Her Majesty's Secretary of State, relating to the Addresses No. 286, 28th Nov'r, 1842 from the House of Assembly to Her Majesty and His Royal Highness Prince Albert, submitted during the last Session.

Government House,
Kingston, 4th Oct. 1843.

(Copy.) No. 270

Downing Street,
7th November, 1842.

SIR,

Prince of Wales.

I have the honor to acknowledge the receipt of your Despatch, No. 216, of the 12th October, transmitting Addresses to Her Majesty and Prince Albert, from the Legislative Council and House of Assembly of the Province of Canada, on the birth of the Prince of Wales, and on Her Majesty's escape from the late attempt upon Her life.

I am commanded by Her Majesty to instruct you to convey to the Legislative Bodies the sense which Her Majesty entertains of their Loyalty and affection.

The Addresses to Prince Albert shall be forwarded to the proper officer of His Royal Highness's household.

I have the honor to be, &c.,

(Signed,)

Stanley.

The Right Honorable

Sir Charles Bagot, G.C.B., &c. &c. &c.

(Copy.) No. 286

Downing Street,
28th November, 1842.

SIR,

With reference to my Despatch, No. 270, of the 7th instant, I have the honor to transmit to you the enclosed replies to the Addresses to

Prince Albert from the Legislative Council and House of Assembly of the Province of Canada, on the occasion of the Birth of the Prince of Wales.

I have to instruct you to cause them to be respectively delivered to the Speaker of the Council and to the Speaker of the House of Assembly.

I have, &c.,

(Signed,)

Stanley.

The Right Honourable

Sir Charles Bagot, G.C.B., &c. &c. &c.

Chief Secretary's Office,
Kingston, 4th October 1842.

SIR,

I have the honor, by command of the Governor General, acting upon instructions from Her Majesty's Secretary of State, to deliver to you the enclosed letter, in reply to the Address presented by the House of Assembly to His Royal Highness Prince Albert during the last Session.

I have the honour to be, Sir,

Your most obedient,

Humble servant,

Rawson W. Rawson,
Chief Secretary.

The Honourable

The Speaker of the
House of Assembly.

Walmer Castle,
Nov. 14, 1842.

SIR,

I am commanded, by His Royal Highness Prince Albert, to return thanks to the House of Assembly of the Province of Canada, for their Address of Congratulation on the happy occasion of the birth of His Royal Highness the Prince of Wales.

I have the honour to be,

Sir,

Your most obed't, serv't.,

G. E. Anson.

*The Honourable
The Speaker, &c. &c. &c.*

C.T. Metcalfe.

Segn'l Tenure.

*The Governor General transmits herewith to the
House of Assembly the accompanying Report of the*

(16)

*Commissioners appointed in pursuance of their Address of the 7th of
September, 1841, to inquire relative to the Seigniorial Tenure, as it
obtains in that part of the Province called Lower Canada.*

*Government House,
Kingston, 4th October, 1843.*

(For the said Report, see Appendix F.)

C.T. Metcalfe.

Administration of
Justice, Gaspé.

*The Governor General transmits herewith, to the
House of Assembly, the accompanying Report of the
Commissioners, appointed in pursuance of their
Address of the 15th of September, 1841, to inquire relative to the
Administration of Justice in the Inferior District of Gaspé.*

*Government House,
Kingston, 4th October, 1843.*

(For the said Report, see Appendix G.)

C.T. Metcalfe.

*The Governor General transmits to the House of Assembly a copy of a
Despatch from the Secretary of State, announcing Her Majesty's assent to
the Bill passed by the Provincial Parliament, in their last Session, for
imposing a Duty on Wheat imported into Canada, and the enactment, by the
Imperial Parliament, of an Act for reducing the Duties on Wheat and Flour,
the produce of Canada, imported into the United Kingdom.*

*Government House,
Kingston, 4th October, 1843.*

(Copy.) No. 65

Downing Street,
18th July, 1843.

SIR,

Wheat & Flour.

I forward to you, by this mail, a copy of an Act, which has received the Royal Assent, for admitting Wheat and Wheat Flour, the Produce of Canada, into the Ports of the United Kingdom, at all times, on payment of the nominal duty of one shilling per quarter on Wheat, and a corresponding duty on Flour. I have to signify to you, at the same time, that Her Majesty in Council has been pleased, by the accompanying Order, specially to confirm and finally to enact, a Bill passed by the Legislature of Canada, entitled "An Act to impose a Duty upon Foreign Wheat imported into this Province." Until the Act of the Imperial Parliament, to which I have adverted, had received the Royal Assent; I did not consider it consistent with my duty, or with the understanding on which the Canadian Act was passed, to advise Her Majesty to assent to the latter Statute.

I trust that in the course of Legislation which has now received the sanction of Her Majesty, the Provincial Legislature will recognize an earnest desire on the part of Her Majesty and the Imperial Parliament, to promote the welfare of Canada, and to strengthen the bonds which now so happily unite her to the Parent State. The admission of Canadian Produce into the Markets of the United Kingdom, at all times at the lowest rate of duty at which Foreign Produce, or even that of other Colonies, is at any time and under any circumstances admitted, cannot fail to have a beneficial effect upon the Agricultural Industry of Canada, and as the construction which has been put upon the term "Produce," admits, on the same favorable terms, Flour manufactured in Canada, from United States Wheat, every encouragement is given to the extensive interests in Canada connected with the Milling business, and also with the Forwarding Trade, along the great line of water communication, the improvement of which reflects so much credit on the enterprise, and is doubtless destined to add so greatly to the resources and importance of the United Province.

I have, &c.

(Signed,)

Stanley.

The Right Honourable

Sir C. T. Metcalfe, Bart. G.C.B.
&c. &c. &c.

C A P . XXXIX.

An Act for reducing the Duty on Wheat and Wheat Flour, the Produce of the

Province of Canada, imported thence into the United Kingdom.

[12th July 1843.]

Duty on wheat &c.

WHEREAS on the Twelfth Day of October One thousand eight hundred and forty-two an Act was passed by the Legislative Council and Legislative Assembly of the Province of Canada, and reserved by the Governor General for the Signification of Her Majesty's Pleasure, imposing a Duty of Three Shillings Sterling Money of Great Britain on each Imperial Quarter of Wheat imported into Canada, except from the United Kingdom or any of Her Majesty's Possessions, and being the Growth and produce thereof: And whereas it is recited in the said Act, that it was passed in the confident Belief and Expectation that upon the Imposition of a Duty upon Foreign Wheat imported into the Province, Her Majesty would be graciously pleased to recommend to Parliament the Removal or Reduction of the Duties on Wheat and Wheat Flour, imported into the said United Kingdom from Canada: And whereas, in consideration of the duty so imposed by the said Act of the Legislature of Canada, it is expedient that, if Her Majesty shall be pleased to give Her Sanction to the said Act, the Duties imposed by an Act made and passed in the last Session of Parliament, entitled An Act to amend the Laws for the Importation of Corn, upon Wheat and Wheat Flour, the Produce of and imported from the Province of Canada, entered for Home Consumption in the United Kingdom, should be reduced as herein-after is mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of October One thousand eight hundred and forty-three, and thenceforth during the Continuance of the Duty so imposed by the said Act of the Legislature of Canada, as aforesaid, there shall be levied and paid upon all Wheat and Wheat Flour, the Produce of the said Province of Canada, which shall be imported thence into the United Kingdom after the said Tenth day of October, and shall be entered for Home Consumption, (the same having been shipped and imported with such Declarations and Certificates as are required in respect thereof in and by the said Act passed in the last Session of Parliament) in lieu of the duties charged thereon by the said Act of Parliament, the Duties following: (namely,)

For every Quarter of such Wheat, One Shilling,
and so in proportion for a less Quantity:

For every Barrel, being One hundred and ninety-six Pounds of such Wheat Flour, a Duty equal in Amount to the Duty which would hereby be payable upon Thirty-eight Gallons and a Half of Wheat, and so in proportion for a less Quantity.:

And the said Duties hereby charged shall be levied, collected, paid, and applied in such and the same Manner in all respects as if the same had been imposed by the said Act of Parliament: Provided always, that nothing

(17)

in this Act contained shall repeal, reduce, or alter the Duties payable under the said Act of Parliament upon Wheat or Wheat Flour, the Produce of Canada, which shall be imported into the United Kingdom previous to the said Tenth Day of October One thousand eight hundred and forty-three, notwithstanding the same shall not be entered from the Warehouse or otherwise, for Home Consumption until after that Day.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

The Honourable D. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General--

Return to an Address from the Legislative Assembly to His Excellency, the Governor General, dated 20th September, 1842, praying for "A Statement of the Licenses granted and Timber cut on the waste Lands of the Crown in the County of Ristigouche, in the Province of New Brunswick, in the years 1835, '36, '37, '38, '39, '40, '41, & '42, with the names of the persons to whom such Licenses were granted."

(For the said Return, see Appendix H.)

And also--

Return to an Address from the Legislative Assembly to His Excellency, the Governor General, dated 20th September, 1842, praying for "A Statement of the quantity of Timber shipped from the Ports of Dalhousie and Cambelltown, in the Ristigouche, in the years 1835, '36, '37, '38, '39, '40, '41, & '42."

(For the said Return, see Appendix H.)

<u>Petitions referred</u> <u>--Uriah Jewett,</u> <u>and others.</u>	<u>Resolved</u> , That the Petition of <u>Uriah Jewett</u> , and other inhabitants of the County of <u>Stanstead</u> , be referred to a Special Committee of five Members to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers, and records.
---	---

Ordered, That Mr. Child, Mr. Moore, Mr. Christie, Mr. Papineau, and Mr. Foster, do compose the said Committee,

<u>Protestant Orphan</u> <u>Asylum, Montreal.</u>	<u>Resolved</u> , That the Petition of <u>Mrs. Elizabeth M. Reid</u> , and other Directresses of the Protestant Orphan Asylum of <u>Montreal</u> , praying for an Act of Incorporation, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient
--	--

speed, with power to send for persons, papers and records.
Ordered, That Mr. Leslie, Mr. Barthe, Mr. Judah, the Honourable Mr. Viger, and Mr. L.M. Viger do compose the said Committee.

MR. SHERWOOD¹⁴ moved, that the petition of G.T. Dennison, Junior, Esquire, and others, for the removal of the west toll-gate out of the limits of the city, be referred to a select committee.¹⁵

CAPT. STEELE and MR. THORBURN were of opinion, that due notice should first be given, to afford an opportunity to petition against it if it were desired.¹⁶

MR. PRICE also enquired, whether the Corporation of Toronto were willing to take under their control, the two Macadamized roads that would be affected by carrying out the prayer of the petition.¹⁷

MR. SHERWOOD replied, that the corporation would take charge of all the macadamized roads leading into the city, provided they were allowed to reimburse the city for the outlay upon them, by means of tolls, instead of their being paid to the district. - It was quite immaterial to the corporation, how many toll-gates there were. This petition did not emanate from them, but from those inhabitants that considered they were unnecessarily burthened by being obliged to pay this additional toll in passing to and from their homes into the city daily, as well as contributing to the expense of the other macadamized roads. The toll-gate in question, had been removed within the limits of the city from where it originally stood, to pay the expense of a road which was now found to be comparatively useless. It was with the view of having it again removed out of the limits of the city, that the petition in question had been presented.¹⁸

(17)

Geo. T. Denison
and other inhabitants of Toronto.
Resolved, That the Petition of George T. Denison, Junior, and others, of the City of Toronto, be referred to a Special Committee of five Members to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers and records.

Ordered, That the Honourable Mr. Sherwood, Mr. Thorburn, the Honourable Mr. Dunn, Mr. Price and Capt. Steele, do compose the said Committee.

Leave of absence
to Mr. Turcotte.

Ordered, That Mr. Turcotte have Leave to absent himself from this House for three weeks from this House, on urgent business.

*Then on motion of Mr. Johnston, seconded by Mr. D. McDonald,
The House adjourned.*

APPENDIX, 4 OCTOBER 1843

((WITHDRAWN PETITION OF MUNICIPAL COUNCIL, DISTRICT OF COLBORNE.))¹⁹

The petition from the inhabitants of Peterboro', praying that it may be represented in the house by one member, was withdrawn, the Executive having signified that it was their intention to introduce a measure during the session, having reference to similar wishes that had been expressed in other parts of the province, with regard to representation as well as in Peterboro'.²⁰

((WITHDRAWN MOTION RE: GENERAL AMNESTY FOR POLITICAL OFFENDERS.))²¹

CAPT. STEELE rose to move, in accordance with previous notice, an Address to Her Majesty, praying that Her Majesty would be graciously pleased to extend Her Royal clemency and pardon, and to grant an amnesty to all suffering the penalty of political offences committed in 1837 and 1838. The hon. gentleman said it would be in the recollection of the House that his hon. friend from the County of Quebec had during the first Session made a similar motion, and he (Capt. S.) much regretted that it had not been persevered in, as he was satisfied it would have passed the house by a large majority.²²

A voice - "it was."²³

((CAPT. STEELE continued.)) No: it was qualified²⁴ by an amendment moved by Dr. Dunlop. He ((Capt. S.)) now came forward a second time, in behalf of those poor exiles, who were pining in misery in a penal colony. (Hear.) He trusted that no feelings of exasperation would be kindled by the discussion that might follow, but that, whatever sentiments were uttered, they would be expressed in a calm and temperate manner.²⁵ He hoped there would be no opposition offered to the address; every individual in this country ought to deplore those unfortunate circumstances to which the address alluded, and to desire an oblivion of the past. The British people were a merciful people; liable at certain times and under peculiar circumstances to high excitement; but that past, and there was not a more generous people on the face of God's earth. (Hear.) He was satisfied that everything had been done by the Imperial Government, and by the Colonial Government in the behalf of the unfortunate exiles, and it would become that House now to step forward and lay their humble supplication at the foot of the throne, that a general amnesty should be granted.²⁶

DR. DUNLOP thought that the address proposed by the hon. member for Simcoe, would be a work of supererogation; he saw no necessity for it: the leaders had been pardoned, and the poor dupes could not with any justice be kept in exile. Among the pardons which had been granted, he was surprised that none had been issued to a very prominent individual in the transactions which had been referred to - William Lyon Mackenzie. (Hear.) He was no particular friend to that individual, but he would nevertheless put in a plea in his favor. True it is that he had been

guilty of robbery: true it is that he had been guilty of arson: true it is that he had been guilty of murder; but, although not skilled in the law, he knew it allowed no accessories to crime: that it held all aiding and assisting equally guilty with the principal. It was true that Mackenzie had caused the death of the gallant Moodie; fired Jarvis's house, held a pistol to the head of a coachman, while his fellowmen robbed the mail; but he maintained that every man who took part in that insurrection was equally guilty with William Lyon Mackenzie. (Hear, hear.) And surely when the hon. gentlemen of Her Majesty's Government, in their overflowing mercy, had permitted worse men to return to the Province, they might have extended pardon to him. Mackenzie had a redeeming quality: he had the courage to face the danger he had brought upon himself, unlike Rolph and some others who had been pardoned, who kept back and pushed better men than themselves forward to bear the brunt of the contest.²⁷ If the sleek and wily traitor, Rolph, was to be pardoned, together with such men as Duncombe and Gibson, why not Mackenzie?²⁸ He had no conception why William Lyon Mackenzie had not been pardoned; he really thought him an ill-used individual and entitled to the sympathy of that House. (Hear, hear.) The hon. member from Simcoe, had informed the House yesterday that immediately after a contest with a French man-of-war, in which the enemy was captured, he had sat down at dinner with the officers, citing it as an instance of forgiveness; was it a matter of surprise that he should have sat at table with French gentlemen - men who held, like his hon. gallant friend, the commission of their Sovereign who, like him were animated by true patriotism in fighting for their country? It was precisely what he ought to have done. But he would put it to that hon. gentleman whether that was the feeling which he would extend to a pack of ruffians, who for their own selfish purposes, introduced murder, arson and robbery into the bosom of the country. So far from that, he confessed that should he (Dr. Dunlop) have taken them, he would have tried them by a drum-head court-martial, and hung them up in twenty minutes. (Hear, hear, hear.) Hon. gentlemen might cry hear, but in such a case he would have an important duty to perform, from which he should not shrink. But when the worst had been brought back, he did not see why the worst should be left. There were men among those exiles whom he knew to be actuated by different motives than those which he had described; men who fought for principles, and he would say, that however much he might differ with such men, he could not but respect them.²⁹ Not a word had been said about Capt. Morin, who had universally been esteemed, before he unfortunately became the dupe of others. He was still in exile, not sufficiently serviceable probably, to be remembered by the present administration.³⁰ He would be glad to see Capt. Morin brought back: he was a man who had fought for his King and had done good service for his country, yet was he now toiling as a slave beyond the seas and not one man came forward in that House to take any steps for his relief. (Hear.) Yet they had brought back such a man as Rolph, and had done it too against the deliberate vote of that House. The hon. member for Quebec introduced a motion for a general amnesty: that had

been qualified by the House, and a restriction inserted in the Address to Her Majesty, in the face of which the very leaders of the rebellion had been allowed to return while those in whose behalf the Address was passed, continued in exile.³¹ Facts like these spoke for themselves, and made it almost a matter of indifference what steps the house might take in the matter now before them.³²

MR. BALDWIN briefly observed, that he regretted that the member for Simcoe had brought forward the motion, as it was not in the power of the Colonial Government to respond to the requisition of the address.³³ The Provincial Government had no power to pardon the exiles in Van Dieman's Land; for they were in a distant colony, over which we have no control. Therefore, that they were not pardoned, was not to be imputed to any fault in the administration, or the Head of the Government.³⁴ He assured that hon. gentleman that upon the subject of a general amnesty he entertained the same opinion as formerly: that they are not fully carried out must not depend upon any conduct of him or of his colleagues. The debate which took place on the motion made by Mr. Roebuck in the House of Commons, would show in what quarter the difficulties laid. Everything which could be done had been done by the Government, and he hoped the hon. gentleman would withdraw his motion, as it would rather embarrass than assist the object which he seemed to have in view.³⁵

CAPT. STEELE said he was fully satisfied that the Government of the Province had done all within their power to accomplish the recall of those unfortunate persons who were suffering in exile, and would feel much pleasure in complying with the recommendation of the learned Attorney General, by withdrawing his motion, if permitted by the House.³⁶

But before it could be done, further discussion ensued.³⁷

MR. JOHNSTON said, that before the motion was withdrawn, he begged leave to offer a few remarks. It was really surprising to him, to find such a burst of sympathy proceed (sic) from the quarter it did. And to hear a gallant captain, who had braved "the battle and the breeze," come forward with a bosom overflowing with mercy and love for those who were guilty of the foulest crimes, while all recollection of their victims seemed to have been tossed aside. (Hear.) Was the murder of Lieut. Weir, of Johnson, Col. Moodie, Dr. Hume, and Capt. Usher, unworthy of remembrance? Had they not been cruelly butchered in cold blood, and their bodies mutilated? Were not also many orphans and widows now struggling with the world, who might perhaps have been in comfort and happiness, but for the crimes of those in whose behalf an appeal was now made to the country. There was something so suspicious and extraordinary, in a motion like this, emanating from one who held Her Majesty's commission, that he (Mr. Johnston) could not think the member for Simcoe was serious in his views - but that the measure had merely been put forward as a feeler, and by way of clap-trap to gain popularity. (Hear, hear.)³⁸

L'hon. M. MORIN dit que ses opinions ne sont pas changées au sujet d'une amnistie, que ceux qui secondèrent ou appuyèrent la motion faite à cet égard par l'hon. membre pour le comté de Québec dans une autre session étaient encore prêts à l'appuyer. Cependant la mise à exécution d'une pareille mesure avait présenté des difficultés qu'on ne pouvait prévoir et auxquelles le gouvernement provincial ne peut seul apporter un remède. L'oubli du passé ne peut qu'être avantageux à tous les partis. On ne peut nier qu'une amnistie générale est désirée par la majorité et que, fût-elle accordée, elle répandrait un baume salubre dans tout le pays. On conviendra donc avec eux (les ministres) que si on la désire sincèrement on doit s'abstenir de contrarier ce qu'ils ont fait pour y réussir. La motion n'est assurément pas le meilleur moyen, dans les circonstances, de parvenir au but que l'on désire. On a parlé des souffrances ou des pertes essayées par une certaine portion des populations du pays. Que c'est là une sujet sur lequel on pourrait s'étendre au long s'il était permis ou nécessaire de le faire. Que s'il voulait (lui M. Morin) décrire le tableau des souffrances et des désastres du temps, il pourrait aisément faire voir de quel côté se trouvaient les plus grandes afflictions. Qu'on ne s'imagine pas qu'une seule partie de la population ait (sic) souffert, mais qu'il ne peut ni ne veut dire tout ce qu'il pense sur ce sujet. Que les membres qui siègent sur le Banc de la Trésorerie veulent seconder la Chambre dans ses désirs pour obtenir ce qu'elle a déjà demandé, et qu'il dépendra du gouvernement impérial d'en décider.³⁹

SIR ALLAN MACNAB had expected more from her Majesty's Government in this Province. The hon. gentleman opposite spoke of pouring the oil of contentment on the country: was the course pursued by that honourable gentleman and his friends calculated to effect that object? The events to which allusion had been made had taken place only a few years back, in 1838, and the people of the Province could not easily forget that they had been called from their business, from their homes, and from the bosoms of their families, to traverse the country in the dead of winter for the purpose of repelling the horde of ruffians who had been induced to enter the country and commit murder and rapine. They could not forget the murder of Moodie, the advance on Toronto, the burning of Horne's house, and the atrocities by which the outbreak was attended; and taken in connection with the declaration of the hon. gentlemen on the Treasury Benches, that those men - or, perhaps he should not say those men, but men who were associated with them - should be appointed to offices of honor and trust in the country, placed over the heads of the very men who had saved the country to Great Britain from their machinations, he could not see how tranquility (sic) was to be restored. Was it by pardoning and inviting back the men who had fired on Toronto, that this object was to be attained? What, he would ask, would have become of that city, what would have become of the country, if all had stood with folded arms, in the moment of danger, as some had done? Does not every hon. gentleman know that they would not now see this Province a colony of Great Britain;

that those hon. gentlemen on the Treasury Benches would not sit there now as members of Her Majesty's Government? If those hon. gentlemen really desired to pour the oil of contentment on the country, they should endeavour to repay those men who had suffered so largely by the incendiaries by whom the Province had been invaded; men, many of whom lost their all, and to his knowledge were irretrievably ruined by the losses which they had sustained. (Hear.) None of these individuals, however had been thought worthy of notice by the Government; they could not point out one who had received any acknowledgment of his services; they had not even been repaid what they had advanced to the country at the period of its distress.⁴⁰ Sir Allan, in eulogizing the conduct of the militia, said one part was without parallel, in any country.⁴¹ He had witnessed an enthusiasm, and a generous disregard of self, when sixteen hundred men marched from Hamilton to Niagara - a distance of 45 miles - in one day, to repel the invaders of their country; yet none of these had been elevated to any office of honour or trust, while the Government had promoted their opponents over their heads - men who had either participated in the rebellion which brought those calamities on the Province, or were neutral - the most despicable class - men who stood by and saw their friends and neighbors murdered, their dwellings burnt, and the country pillaged, without one effort in their defense. Could such a course, by any possibility, restore tranquility (sic) to the Province? The motion of the hon. member for Simcoe he believed to be a mere manoeuvre, to afford the Attorney General an opportunity to rise in his place and state what had been done by the Government. (Hear.) The hon. and gallant Knight adverted separately to Upper Canada. The rebellion which had taken place in that section of the Province was totally unjustifiable. Duncombe and Rolph, for whom rewards of £500 and £1000 had been offered, were two of the leaders of that rebellion - the former taking the field at the head of six hundred men. What claims had they upon the country? both had led a large number of their unfortunate fellow subjects into a contest with the Crown, and then abandoned them to their fate. Dr. Rolph was living at Rochester, in that free country to which he desired, apparently, to be united, enjoying, as he was informed, a very extensive practice in his profession, and Dr. Duncombe was no doubt equally comfortable under the liberal institutions of the neighboring Republic. Who was Dr. Duncombe? an American quack Doctor who had come into this Province, got naturalized, and managed to get into Parliament; he was a man who had always advocated Republican Institutions, and his share in the rebellion was but an attempt to obtain by force the object of his desires for this country; and with such men engaged in agitation, could hon. gentlemen entertain any reasonable hope that the oil of contentment would be poured upon the country? With respect to the rebellion in Lower Canada, he confessed he viewed that outbreak in a much different light.⁴²

A laugh from MR. AYLWIN.⁴³

The hon. gentleman laughs; indeed he seemed to be the laughing member of the administration, (roars of laughter,) but he ((SIR ALLAN MACNAB)) could assure that hon. gentleman that his laughing sneering manner was not acceptable to his colleagues, and might perhaps lose him that high position which he held in the Government. (Hear.) Perhaps the hon. gentleman laughs for the same reason that others do, that he is Solicitor General. (Repeated laughter.) He (Sir Allan) was referring to the rebellion in Lower Canada, and confessed that he did not look upon the contest in that Province with a tenth of that abhorrence which he felt towards those who had sought to destroy the Queen's authority in Upper Canada. There was, no doubt, much misgovernment in that Province, but there were other causes at work which created that apprehension and distrust of their rulers, and created discontent. Causes to be found in the difference of origin and the apparent war of races. He had no doubt that, had he (Sir Allan) lived in that Province- the son of a Frenchman, inheriting the feelings peculiar to that people, and looking upon the Colony which they once held, as a conquered country, in which the tide of British emigration was fast sweeping away the ancient landmarks, he might have participated in those feelings which were so painfully exhibited in 1837 - but no such causes existed in the Upper Province. These were his opinions, and why should he fear to express them? he did not do it offensively. He would call the attention of the house to an extract from the speech of Lord Stanley, in the British House of Commons, upon the subject of Mr. Roebuck's motion; the remarks of his Lordship were peculiarly appropriate:

"He looked forward with confident hope and expectation to the happiness of the colony in connection with this country; but if the doctrine of the hon. and learned gentleman were once to be admitted, that because the French Canadians had been admitted to a share of power, therefore, all those persons, whether French, British or American, who were suffering under the punishment of the law for exaggerated acts of treason and overt practices of rebellion, were at once to receive her Majesty's free pardon, and enter upon an amnesty for all past offences, then he (Lord Stanley) must say, that those who had stood loyally by the Crown (hear, hear) - those who had boldly repelled the hordes of plunderers from their soil - those who had sacrificed their lives - those who had boldly opposed rebellion and treason from within, and lawless invasion from without - would have reason to complain that the memory of their sacrifices should be lost, and that those who were suffering a moderate and legal punishment for their crimes should be at once restored to their country and placed upon an equal footing with those who had conducted themselves loyally and well."⁴⁴

MR. D. B. VIGER regretted the tone which the discussion had assumed. The history of Europe, for the last thirty years, could not furnish more executions than had taken place during the late troubles. (Hear.)⁴⁵ Had the Reformers nothing to forget and forgive?⁴⁶ Hon. gentlemen should

not forget, that a member of the house had suffered imprisonment for eighteen months, without even a trial. (Hear.) And he (Mr. D. B. Viger) could say, that the march of her Majesty's troops... at the time adverted to⁴⁷ was tracked by blazing villages and wide spread ruin. Yet he did not call these things to the people's recollection, but would rather bury them in oblivion.⁴⁸ Would the house, therefore, now oppose the return of a few poor men? Lord Durham's report was a vivid picture of the oppression of the French Canadians, and a true one. What he (Mr. D. B. Viger) recommended to allay the bitterness of the past, was pardon and mutual forgiveness. From what had been stated, he now fully understood why Upper Canada had been so disaffected, and the origin of its misfortunes. The observation of the member for Huron, that if it had depended upon him, he would have tried those he caught, by a drum-head court-martial, was much to be regretted, and he (Mr. D. B. Viger) had listened to it with pain.⁴⁹

L'hon. M. AYLWIN dit que si l'exemple des hon. membres pour Huron et pour Hamilton devaient (sic) être suivi dans la manière de discuter les questions qui se présentent devant la Chambre il n'y aurait pas moyen de s'entendre, et on pourrait renoncer à l'espoir de jamais conduire les affaires avec quelque harmonie ou avantages pour le pays. Le preux chevalier a été jusqu'à faire usage du terme manoeuvres croyant sans doute l'appliquer avec succès à ceux auxquels il est opposé, mais il n'en est pas qui soit plus notoires (sic) pour leurs manoeuvres que l'hon. membre lui-même. Que le galant chevalier a désigné des individus par leurs noms et leur a attribué des caractères qu'ils ne paraissent pas avoir, et c'est sur de pareilles dénominations qu'il s'appuie pour s'opposer à une amnistie générale! Rien ne justifie le preux chevalier d'en agir ainsi, pas même ce livre. (L'hon. orateur dépose sur la table le rapport des procès d'Etat de 1837 et 38).⁵⁰ Qu'il est à regretter qu'il ne soit pas mieux informé; que ce qui s'est passé depuis deux ans aurait dû l'instruire, mais s'il n'a rien oublié (sic), il n'a non plus rien appris.⁵¹

MR. NEILSON said that when he had submitted to that House an address to Her Majesty for an amnesty for all political offences, he thought that as a new constitution had been granted to the Province, and two or three years had elapsed without contention, the time had come to show that they were willing to grant an amnesty to one another, and as far as possible to bury the events of the past in oblivion - events which had been injurious to all classes of the people of the country. He believed that had that address been adopted by the House, it would have induced the exercise of the Royal clemency in behalf of the unfortunate persons in exile; but the restriction which had been introduced by the House warranted the Home Government in the belief that there was much excitement in the country, and under such an impression he was not surprised that it had hesitated in restoring those individuals to their homes; and if such discussions as that which had taken place to-day

were to be entered into, it would persuade the government that there was a renewal of the strife in this country. He thought they ought to grant an amnesty to each other, and Her Majesty would extend an amnesty to them all. (Hear, hear.)⁵²

MR. CHRISTIE said he had not intended to take a part in the debate, but he could not sit still and hear hon. gentlemen brand as rebels and traitors all who were opposed to them in politics. The hon. and gallant knight from Hamilton had alluded to the rebellion in Lower Canada, and told them he could not expect more from the people of that province - the poor ignorant, prejudiced French Canadians. (Hear).⁵³ Il dit entre autre (sic) choses que les Canadiens avaient été opprimés et excités d'une manière irrésistible à la rebellion, par la tyrannie (sic) de leurs gouvernans. La grande masse des habitans franco-canadiens s'était montrée royale, et que dans la rebellion, on avait vu les gens qui se targuent constamment de leur loyauté se livrer à toutes sortes d'excès comme s'ils n'eussent été que des bandes de voleurs et de brigands organisés. Il tourne en ridicule ce que l'hon. et preux chevalier a dit quant à ce qu'il serait si son père eût été Français. Que lui (M. Christie) connaît de ces Français, comme on les désigne, qui, en fait de loyauté, de respectabilité, de talens et de savoir, n'en cèdent à aucun autre peuple.⁵⁴ He had not alluded to the palpable and avowed mis-government of that province, caused by the small minority which considered themselves the aristocracy of the country who conceived that they were born to rule. He treated the speech of the great aristocrat (Sir Allan) as the last regrets of a party deprived of their power to mis-govern the country, and trusted these were the last dying kicks of the faction.⁵⁵ More persons had suffered death in this country for political offenses, than in all Europe, during the last fifty years: ... Sir Allan Macnab was inflated, because he had an appendage to his name.⁵⁶ The hon. gentleman animadverted with much severity upon the sentiments expressed by Sir Allan relative to Lower Canada.⁵⁷

MR. SHERWOOD regretted that any such remarks had been made in the house as those which had just fallen from the hon. member for Gaspé, than which none were more calculated to produce discord or excite the feelings. That hon. gentleman had made a bold attempt to throw a firebrand between the English and the French members of that house. (No, no.) No: he could not do it, but he had spoken of the aristocracy of Upper Canada - and termed his hon. and gallant friend and those who acted with him the aristocracy of the country, as opposed to the "low-bred, ignorant, prejudiced French:" but he would assure that hon. gentleman that the French Canadians were as much respected - that in his opinion they were as brave, as generous, and as loyal a people as any in Upper Canada; and being thus respected, no such remarks would sever the union which existed between the French and English members of that house, or lessen the estimation in which they were held: but were they to be told that because his hon. and gallant friend had found fault with the pardoning of

a few vagabonds, who had been tried by a jury of their country, found guilty of exciting civil war, of murder, arson, and robbery, that he had branded all as rebels who entertained different opinions on questions of public policy. The hon. and ven. member for Richelieu had alluded to a case with which he was acquainted, where an individual had been imprisoned without any charge having been brought against him, and discharged without trial -⁵⁹

MR. VIGER: yes, hundreds of cases⁵⁹.

Well, there might be hundreds of cases; he ((MR. SHERWOOD)) deeply regretted it, but it was unavoidable - it was the natural consequence of an unnatural rebellion; when civil war broke out it was impossible to calculate how far it would be carried: upon the heads of those who promoted and incited it should be charged the consequences. Yet, perhaps in the case of the ven. member himself, the person who had ordered him to be incarcerated was now sitting and acting with him in support of the present government. No doubt, at such a period, the hon. gentleman to whom he alluded had been misled by false information, and imagined, like others, many things which had no existence in reality. The same had taken place in Upper Canada, but could it be otherwise? Had his opinion been asked as to the course which should be pursued towards those implicated in the melancholy events of that period, he would have said, "Pardon all the dupes: all those who have been misled: restore them to their homes and to the bosoms of their friends: but let those who have been the cause of so much misery to them and to their country suffer a few years longer banishment." (Hear, hear.) But government had pursued a directly opposite course; they had pardoned those who had promoted and encouraged rebellion: they had brought back such men as Rolph, Duncombe, and Montgomery, to whom it was chiefly attributable, while the tools were kept in slavery. As that had been done, however, he would vote for the motion. Here he would ask, with the hon. gentleman for Huron, why William Lyon Mackenzie had not been permitted to return? He was no friend to that individual but really when Rolph and Duncombe had been pardoned, he should not see why a like act of clemency could not be extended to Mackenzie. If Mackenzie had promoted a rebellion, Rolph had done the same: if he had headed an army for the purpose of carrying on civil war, Duncombe had done so too. But Rolph was a miserable coward. Duncombe had been pardoned and permitted to return to the country, while the men who had handed out their means freely in order to sustain the connection with the mother country, which he sought to sever, had not yet been paid; and he would march through the country with the Queen's pardon in his pocket, and laugh at them. (Hear, hear.) If the hon. gentleman desired, as that House had been told they did, to pour the oil of contentment on the country, that desire could not be carried into effect by throwing fire-brands among the people, but by extending justice to all. He could tell them that the people would have such a government: the

feeling was daily becoming more strong and they would be told it at the polls. He would therefore call upon the hon. gentlemen from Lower Canada, if they were desirous to unite with the people of Upper Canada, and carry on the government in a spirit of justice to all classes, to advise the gentlemen on the treasury benches to adopt a different line of policy. The loyalty of the people of Upper Canada was strong: it could not be thrown off like a garment: no mere slight would damp it, or induce them to stand still in the hour of danger. But upon the subject, before the House, the feeling was strong: it was felt that those whose property had been sacrificed, and those who had aided with their means the government of the country in the hour of need, should be repaid: it was thought that simple justice ought to be done to those who simply stood asking - "Give me that which I gave you." (Hear, hear.) With respect to the exiles, he thought that if the government had sufficient influence to get the leaders punished, it could procure the return of the miserable dupes who were now in slavery. 60

MR. HINCKS said that after the debate of the previous day, he had not anticipated any discussion of the motion made by the hon. member for Simcoe, but as it had been provoked he should take occasion to give expression to his sentiments. When hon. gentlemen on the opposite side of the house adverted to the rebellion which had taken place in the Province, they should recollect that there was a great weight of responsibility resting upon them and those with whom they had acted, for those lamentable events; if the unfortunate persons implicated were deluded, those hon. gentlemen should remember that for a long series of years the country had labored under the grossest misgovernment, caused by them and their friends. Under the administrations of Colborne and Head the constitutional rights of the people had been violated, their remonstrances neglected, their petitions treated with contempt; all responsibility was denied, and when a few of the members of the council under Sir Francis Head, required that they should be consulted upon all public matters, they were summarily dismissed, he dissolved the house in a most arbitrary manner⁶¹.

A voice - and appealed to the people -62.

((MR. HINCKS)) yes, how? by scattering addresses through the country, and using the whole power and influence of the government to carry the elections; he most emphatically denied that the persons then returned to Parliament possessed the confidence of the people. The hon. and gallant knight from Hamilton then represented Wentworth: who represented it now? why, a member favorable to the present administration; and many who had then been rejected were subsequently returned by the same constituencies. The hon. gentleman from Toronto said that certain persons ought to have been pardoned in the first place: his hon. friend the Attorney General had sufficiently explained the difficulty of action upon that question; it was not in the power of the government nor of the head of the government to pardon those unfortunate persons; and when it was well known that

every member of the administration was decided in favor of an amnesty, surely hon. members ought to believe that those opinions had been acted on as far as possible. Some hon. gentleman had alluded to Drs Rolph and Duncombe; he (Mr. Hincks) thought that considering the circumstances of the case, that those individuals had been pardoned by their Sovereign, it was to say the least of it, very bad taste to hold the language towards them which had been made use of that evening, and would in no wise tend to promote that good feeling and conciliation which was desirable in the present state of the country. With reference to the appointments to the magistracy, hon. gentlemen ought to know that such men as possessed the confidence of the people - men who had been elected to serve as District councillors in their several localities, and in other capacities, had been selected. The case of Mr. Lossing had been cited on the day previous; that gentleman was a District Councillor of the District of Brock, and on the retirement of the Warden, Mr. De Blaquiére, he had been elected by the majority of the Council as their chairman, and had been subsequently appointed Warden by the government. The hon. gentleman opposite would doubtless have selected the Warden from the small minority of the council, and thus created a discord in the council under which it would be impossible to proceed with the public business. The appointment of Mr. Lossing to the magistracy had been attended with the most beneficial effect; the township of Norwich, in which he resided, had been one of the most turbulent of the Province, owing to the strife excited by the former magistrates for the purpose of getting the fees. (Hear, hear). Mr. Lossing was a man of peace, a member of the Society of Friends, and had exerted himself to soothe the asperities of contending parties, in which he had been eminently successful. Certain charges had been alleged against him, as being implicated in the rebellion, but the fact that he was acquitted by a jury of his country without their leaving the box, was a sufficient refutation of such an aspersion. Even if he had been guilty of what was alleged against him, those things had passed away, and enjoying so much of the confidence of the people of the District as he did, the government would have felt no hesitation in appointing him as they had done. It was because men who possessed the confidence of the people had been appointed, that those appointments were attacked. But let the members who represented the counties in which these appointments had been made, stand up in their places and state whether they had been satisfactory or not.⁶³

MR. CARTWRIGHT said that the discussion had been provoked by the taunts which had been used by hon. gentlemen of the administration. He was as anxious as any member of that House could be to preserve the peace and forward the prosperity of the country; but so long as principles which had been avowed in the conduct of the administration existed; so long as men who stood by their Queen and country in the hour of its need were studiously neglected, and men who had proved traitors to both were appointed to every office of honor and trust over them, by the government,

so long would there be discontent and dissatisfaction. The hon. Inspector General had alleged that undue influence had been exercised by the Government to return gentlemen favourable to it to the 13th Parliament of Upper Canada: he would not enquire whether the charge was true or not; but he would like to know were not undue influences used in the return of gentlemen to the present House? (Hear, hear.) And who would say that the country was fairly represented, when it was adopted as a principle that none should be appointed to any office in the country but men of one party. It was a state of things which the people would never submit to; and there would be no peace until a different course was pursued. He hoped sincerely that the "oil of contentment" would be poured upon the country; but so long as a policy such as that pursued by the government was persevered in, there was but little hope of it.⁶⁴

MR. PARKE said hon. gentlemen on the opposite side of the House had spoken of exclusiveness in the appointments; but had they forgotten the nature of the appointments made at the period they and their friends held office? In the county of Middlesex, which he had the honor to represent, there were but few who were not all of one side, and opposed to the views of the majority of the people; and after all the clamor which had been raised against the late appointments, the number of those opposing the administration in the confidence of the people was yet two to one, while not one third of the people of the province coincided in their views of the government of the country: yet the government had been accused of partiality. He remembered the time in the history of this country when it was considered a crime of the deepest dye to express opinions against the manner in which the government was conducted by the hon. gentlemen opposite and their friends; when the meetings of the Reformers were attended by bludgeon-men, and interrupted by violence; and when a small faction ruling the colony uniformly stepped in between the people and the imperial government, where they sought the redress of their grievances. He believed those grievances would have been redressed had the case been laid before the British government: but when the petitioning parties were represented as agitators of the country, as desiring its separation from the parent state, it was not matter of surprise that they had not been more successful in obtaining the intervention of imperial authority. He could assure those hon. gentlemen that they were deeply implicated in producing the troubles which took place in the country, and that the unfortunate persons to whose case allusion had been made were not the only ones to whom a forgetfulness of the past should be extended. (Hear.) An hon. gentleman had adverted to the manner in which Sir Francis Head had carried the elections in 1836, and to the issue of patent deeds. He could tell that hon. House that in his county alone 73 patent deeds had been issued during the election, and out of those 73, how many would hon. gentlemen imagine had voted for him? Only one: and for so voting the unfortunate individual was persecuted so much that he was under the necessity of removing. (Hear, hear.)⁶⁵ He was obliged to run for his life.⁶⁶ At the last election, out of the

number who held these patent deeds, only five voted against him - (hear, hear) - and they assured him that they had only previously voted against him through misrepresentation; that they had been told he was opposed to justice being done to the unfortunate commuted pensioners, at the very time that he had introduced into the House of Assembly an Address praying her Majesty to take their cases into favorable consideration. When he visited the county at the last election and explained this to them, their surprise was equal to their indignation. It was by such means that those hon. gentlemen obtained a majority and carried on the government. (Hear, hear.)⁶⁷ And yet, notwithstanding all this, he was sure that the reform party would freely forget and forgive, if the others would sincerely do the same.⁶⁸

MR. MOFFATT regretted this angry discussion, which might have been avoided, if the government had been consulted. Such language was only "fuel to fire," instead of "oil upon the waters."⁶⁹ ((He)) had hoped that ... hon. gentlemen would consent to let by-gones be by-gones; but he could not forbear asking on the present occasion whether the expressions which had been used in that House tending to justify rebellion, were at all calculated to heal the divisions by which the country was distracted? When it was proclaimed that if the country had such a government as it has now, no such rebellion would have taken place, was that assertion calculated to heal the irritation of the loyal, or to introduce their opponents to look with regret upon past events: and when again it had been stated by the hon. member for Gaspé that the hon. and gallant knight from Hamilton and those who acted with him, whom he was pleased to style the aristocracy of the country, had goaded on the people to rebellion, was such language calculated to allay the excitement which was already violent in the country upon that subject? He did not believe it was the intention of those hon. gentlemen to justify the rebellion which had taken place, but he would put it to them, was not that the natural inference from the language which had been held? He would ask them were the grievances of which the people had complained sufficient to counter-balance evil war - or the horrors of rebellion; no, not if they had been ten times greater than they really were. It was his anxious wish that by-gones should be by-gones; that they should be in reality as in name, an united people; and he trusted he would hear no more of that subject after to-night. (Hear, hear).⁷⁰

MR. BOSWELL argued that, although there was nothing in his opinion which would justify rebellion, governments may so conduct themselves so that the natural and unavoidable consequence would be such a contest with the people: he recollected the time when no one dared to raise his voice against the government, without being made the subject of persecution, and in England such a state of things would not be tolerated one month; the whole people would rise in arms to put an end to such a state of existence. With reference to the appointments, under former administrations, these had been so exclusive, that if the present government were to

continue for seven or eight years, appointing their friends as vacancies occurred, or appointments were required, they would not more than bring things to a balance. He thought, therefore there were no real grounds of complaint on that head.⁷¹

Mr. Boswell adverted to the exclusive proceedings of the opposition, when in power, and said that, in the Newcastle district, there were only six Magistrates appointed by them, from the Reformers.⁷² On se plaint aussi que c'est insulter les loyaux du pays que d'user de clémence en faveur d'hommes comme Rolph. On oublie que quelque regrettable qu'ait été la rébellion, cependant ceux qui y prirent part ne firent que ce que tous autres auraient fait dans de pareilles circonstances, et dans tous les pays. Il n'en est pas qui aient autant souffert des troubles que les réformistes. La rébellion a été un véritable triomphe pour ceux qui se qualifient ainsi de loyaux. Ils accusaient les réformistes sous les prétextes les plus frivoles, et la rébellion a eu l'air de justifier leurs reproches, et de leur permettre de dire: "Voyez à présent si nous n'avions pas raison." Cependant les temps ont bientôt changé et ont fait voir les réformistes sous leur véritable jour. On s'est convaincu que leur but était d'obtenir la reconnaissance et la jouissance de ces principes élémentaires du gouvernement constitutionnel sous (sic) lesquels il n'y aurait que de l'arbitraire. On a maintenant la satisfaction de voir un gouvernement constitué selon les désirs du peuple. Que ceux qui s'opposent aujourd'hui à ce gouvernement soient bien convaincus que s'ils en avaient l'administration, pas un de ces réformistes qui sont actuellement en majorité ne voudrait les supporter.⁷³

M. TURCOTTE dit qu'il ne s'était pas proposé de prendre part à la discussion, mais qu'il était survenu des incidens qui le forçaient à porter la parole. Nous avons entendu l'histoire de la révolte du Haut-Canada, rien autre chose que cet (sic) histoire et qu'on savait déjà par cœur. On a fait grand bruit de la loyauté de certaines gens, l'hon. membre pour Hamilton a dit que les volontaires étaient des loyaux, mais il faut distinguer. Les volontaires pouvaient être des loyaux et d'archi-loyaux, mais les Bas-Canadiens ont prouvé leur loyauté en versant leur sang pour le gouvernement anglais. On veut cependant aujourd'hui leur jeter (sic) des reproches à la face à cause des troubles de 1837 et 38. Mais on sait très-bien que les Canadiens qui prirent les armes ne croyaient pas combattre l'Angleterre: on les avait tyrannisés, et ils voulaient s'affranchir de l'exécration domination d'une oligarchie. Ils voulaient jouir en fait des libertés britanniques qu'ils trouvaient en théorie dans leur constitution. On a entendu le brave chevalier qui siège vis-à-vis, nous dire que si son père eût été Français, il croit qu'il eût enseigné à son fils de l'être aussi, et en dépit de toutes circonstances et malgré des faits accomplis. Eh bien! oui nous sommes Français, Français de sang encore peut-être, mais nous sommes Anglais de nation, et c'est là un fait contre lequel tous les argumens du brave chevalier viennent se briser. Nous sommes Français

mais des Français à qui l'Angleterre doit la conservation de cette partie de son vaste empire, et sans lesquels peut-être la loyauté exclusive de leurs détracteurs n'aurait plus même de prétexte pour se faire prétentieuse. Des Français comme ceux-là ne doivent pas inspirer de craintes à la métropole, à laquelle ils ne demandent que justice et protection, du retour de leur dévouement et de leur loyauté. On doit être au comble de l'étonnement d'entendre dire au sein de cette chambre que l'Angleterre doit continuer d'appesantir son bras sur une poignée de ses enfans, sur ses malheureux frères qui subissent encore toutes les peines de l'exil en expiation d'une faute déjà trop punie; car ceux qui tiennent ce langage ne veulent pas d'une amnistie sans restriction. Ils veulent encore se repaître de prescriptions. On a pourtant vu jusqu'aux presses les plus fanatiques, et qui s'étaient déchaînées contre ces exilés, finir par prononcer le mot de pitié, de pardon. Un tel exemple ne peut être méprisé que par des êtres inaccessibles aux plus banaux sentimens de l'âme. Contrastez cette conduite avec ce qu'on a vu et ce qu'on voit encore dans d'autres rangs. Le mécontentement qui régnait ci devant était le résultat de la maladministration, ce fait est incontestable et reconnu. Ce que l'Angleterre a de plus illustre parmi ceux qui sont venus ici, ses politiques les plus distingués ont dit que nos dissensions provenaient de cette source, féconde en maux, et qu'elles étaient toutes sur la responsabilité d'hommes qui figurent aujourd'hui comme opposants à la mesure proposée à cette Chambre. Eh bien! que voit-on maintenant dans le Bas-Canada? Ceux qui ont les plus souffert des crimes politiques des hommes qui étaient au pouvoir essaient-ils de faire revivre éternellement ces vieilles dissensions? Non, ils les tiennent pour réglées. Essaient-ils de souffler le feu de la discorde? C'est le contraire. Là tout est oublié, non pas seulement en paroles, mais en fait. On y vit en frères. Jamais on n'y a reconnu les distinctions de castes et de sectes dont nos ennemis se sont fait une arme auprès des leurs pour nous attaquer. Les Franco-Canadiens ont prouvé dans maintes circonstances combien ils sont au-dessus de ces odieux préjugés, indignes d'un peuple civilisé et du siècle où nous vivons. On a vu récemment un comté important du Bas-Canada élire comme son représentant M. le Procureur Général pour le Haut-Canada, qui n'y était connu que de réputation, non pas de celle d'être partisan de telle ou telle origine mais de la réputation d'un homme de principes, éclairé et respectable. Et plus récemment encore, le comté de Champlain n'a-t'il pas donné le plus éloquent démenti à nos détracteurs, en élisant ce-lui qui a l'honneur d'en être aujourd'hui le représentant? Comment se passèrent les choses à cette élection? Sur trois candidats qui s'y présentèrent, un était de la race des électeurs, et un deuxième d'une autre origine et d'une autre religion, et quel a été le résultat? Sans doute la lutte électorale s'est terminée en faveur du premier? Eh bien! non, c'est le candidat qui se serait trouvé en butte à ces préjugés, s'il y eussent existé, qui a remporté la victoire à une grande majorité, non au moyen de la violence ou de la corruption comme c'était naguères le cas, mais franchement et librement, et malgré les efforts

faits par les ennemis du candidat populaire, pour faire manquer son élection précisément au moyen de préjugés comme ceux dont on a parlé. Chez nous c'est aux principes qu'on regarde, et c'est à cause de ses principes que l'honorable membre pour Champlain a été élu. Qu'importe le culte ou la race? Qu'importe qu'on soit de sang allemand, écossais, irlandais, anglais ou français? qu'importe qu'on soit de telle ou telle religion? Il suffit d'être homme, homme de principes. Il suffit de mériter la confiance de nos concitoyens. On a voulu faire valoir des prétentions exclusives. Et ne pourrions nous pas nous aussi parler en justification de la rébellion? présenter le tableau des pertes et des souffrances sans nombre essuyées par les habitants de nos campagnes dévastées? de nos villages incendiés et saccagés? de nos temples pollués et réduits en cendre? Ne pourrait-on pas rappeler ces temps de malheurs où, sous prétexte d'abattre et de châtier une poignée de rebelles à peine armés, et égarés par le désespoir où les avaient jetés de longues tyrannies, l'on vit une main barbare promener le fer et la flamme et laisser partout des traces de sang et de carnage? La vengeance a déjà joué un trop grand rôle, il est temps de se montrer humain. Je mets ceux qui soulèvent ici des objections au défi de dire qu'il y ait dans le Bas-Canada dix personnes qui soient opposées à une amnistie-générale. Les vieilles (sic) dissensions sont oubliées et on n'y songe plus qu'à la réconciliation et à la concorde.⁷⁴

MR. HOLMES confessed that it was with pain he rose to take any part in the discussion: he had hoped all parties were prepared to consign to oblivion the recollection of events which could only be adverted to with feelings of regret: but some gentlemen seemed determined to open afresh the wounds which were becoming healed, and to give a factious opposition to the government. The hon. member for Toronto had alluded to the case of the venerable member for Richelieu, and consequently to him (Mr. Holmes). He could assure that hon. gentleman that he had conscientiously performed his duty, and acted according to informations and instructions: and should similar circumstances arise he was prepared to act again as he had then done. He had been taunted with lending his support to men whom he had formerly so actively opposed; but he was one who felt not ashamed in acknowledging error when convinced of it. He and many others in Montreal had been misled by prints in that city whose sole business seemed to be to sow discord; he and many others had believed them, but they had learned that those papers were but the retailers of the most miserable falsehoods: he had been undeceived. They had endeavored to show that there existed discord and hatred between the two races of people of Lower Canada: he had mingled with the French Canadians freely during the last twelve months, and had become acquainted with their feelings and sentiments, and he could assure that hon. House that a more perfect unanimity among the people, without reference to religion or origin never existed in any country. This was attributable to the present government. Would the country have been thus tranquil under such a government as any of those which preceded the Union? No; probably Her

Majesty's troops would have been marching and countermarching from one end to the other: but instead of such a picture, there was but one loud cry of loyalty and British connection. (Hear, hear.) In his opinion the time had arrived when a general amnesty might be granted and the unfortunate individuals who participated in the events of 1837 and 8 restored to their homes.⁷⁵

Le DR. DUNLOP dit que quant aux Français du Bas Canada il les aime beaucoup, mais qu'il craint beaucoup qu'on n'écarte pas les Américains.⁷⁶

SIR ALLAN MACNAB dit ... qu'il se rappelle le temps où il ne fut qu'un simple sous-lieutenant, et qu'un copiste écrivant pour sa subsistance; il n'en rougit pas, il peut se flatter d'avoir été récompensé par le gouvernement; mais (sic) il doit protester contre les insinuations de l'hon. membre pour Gaspé⁷⁷ ((He)) ... appealed to the gentlemen from Lower Canada whether his conduct in that House warranted that hon. gentleman in putting the construction upon his (Sir Allan's) observations which had been done by the hon. member from Gaspé. On the contrary he entertained every respect for the people of Lower Canada and for their representatives in that House, and he was satisfied they did not require that assurance from him.⁷⁸ Qu'avant de parler de la conduite des autres, il ferait bien de se rappeler la sienne et comment il fut traité par la Chambre d'Assemblée du Bas-Canada. On crie à l'ordre, et l'hon. orateur s'assied.⁷⁹

MR. DUGGAN regretted that the hon. Surveyor General should, for the purpose of excusing a foul and most unnatural rebellion, have represented a state of things in Upper Canada which had no existence. No one more deeply lamented than he did the unhappy occurrences alluded to: he pitied from his heart the unfortunate tools and dupes of ... those base and designing men who had incited that rebellion, but he could not forgive, nor would he cease to hold up to public execration such men as Rolph, Mackenzie, and Duncombe, to whom they were indebted for all the misery which had been inflicted on the country: men who had pushed forward the ignorant and confiding to the commission of crimes at which humanity shudders, and then basely deserted them. Such men he would never have allowed to pollute the soil of Canada with their presence; it was impolitic and unwise; it was uncalled for; and they should have been allowed to remain in that country the institutions of which they had so much admired. They had been told by the hon. the Surveyor-general that previous to the rebellion there was no justice in the country; that men could not even worship their God according to the dictates of their consciences; he (Mr. Duggan) utterly denied that ever such a state of things had existed; there were grievances no doubt, and many things which required amendment, but where was the country in which many improvements were not demanded in its social conditions? But to say that the religious privileges of the people had been interfered with - that the people were not allowed to select their own mode of religious worship was a charge

upon the then existing government altogether without foundation. He (Mr. Duggan) was well acquainted with the events of the rebellion; he had been taken prisoner by one of the rebels, for whom he subsequently obtained a pardon; but he (Mr. Duggan) did not denounce all those as rebels who were of the party who had previously supported Mackenzie; he knew hundreds of them to be honest and loyal men, though he believed them mistaken in their political views. He did not consider because a man was called reformer that therefore he was not as loyal as any other man: he had never expressed or acted upon such an opinion: he knew the country too well. It would be unjust to do so, as it would be unjust to attribute to him or to those with whom he acted, such sentiments. The misled and the duped he commiserated, and would vote for their pardon, and to remove the chains from the wretched convicts suffering in slavery in a distant land for political offences: but for that of the leaders, the authors of their and our misery - never. The honorable Surveyor-General had spoken of violence, and the improper exercise of government influence at the elections held under Sir Francis Head; but he seems to have forgotten the manner in which Lord Sydenham carried the elections in Lower and Upper Canada. He had nothing to say of the corrupt and tyrannical government of that nobleman, of which he was a supporter. The government openly trampled on the rights of the Lower Canadians, but that gentleman was silent: they sought to stifle inquiry, and they were supported by him. (Hear, hear.) He swallowed the bait: and he could not surely have forgotten the memorable circular addressed to the constituency of Middlesex by ... his hon. colleague the Inspector-General, who had no hesitation in charging him at that time with having sold himself, and represented him as unworthy the confidence of Reformers; as supporting Lord Sydenham and sacrificing Mr. Baldwin and his own party. Here he could not help asking what was the course which the Inspector-General himself shortly after pursued? Why they find him deserting the same Mr. Baldwin, and uniting with the Surveyor-General whom he had previously denounced, and soon after accepting and keeping office. How truly consistent and patriotic those hon. gentlemen had been; but he (Mr. D.) had since learned that "confidence once lost" was easily restored, the declaration of the hon. Attorney-General to the contrary notwithstanding. When he had seen the hon. members for Middlesex, Oxford, and Rimouski, occupying together the ministerial benches after their mutual denunciations, truly were they worthy of each other's and the country's confidence. (Hear, hear.) The hon. Inspector-General had alluded to the period of Sir John Colborne's administration, and denounced the manner in which things were then conducted. Why, the hon. gentleman was at that time an ardent admirer of the government, and a member of the Constitutional Society of Toronto. (Hear, hear.) The hon. member from the city of Montreal (Mr. Holmes) had just told them how deeply mistaken he had been in his views of men and measures in Lower Canada; and that although he had come into the House for the purpose of crushing the Reformers of Lower Canada, he finds now - how marvellous - that he was mistaken in his estimate of the men; that he had been groping in ignorance and error. He

might have explained the sudden change in his views to his own satisfaction; but it was, to say the least, very strange that ... highly intelligent and hon. gentleman should have been unable, during a long series of years, to estimate the character of men with whom he was in constant communication; that he should quite recently only have discovered his error. How unfortunate it was that for years that hon. gentleman should have been guilty of the injustice to his fellow subjects of a different origin which he had charged upon himself and others. Now the hon. gentleman had been returned for Montreal in support of Lord Sydenham's policy, and against that of his opponents, and unless his constituents had been laboring under the same degree of political hallucination, and had been blessed with a like happy recovery, that hon. gentleman could hardly be said to represent the wishes of those who sent him to the House. The hon. gentleman here alluded to the elections of Lower Canada, to that of Kingston, and other places, as instances of the gross corruption and violence by which the last elections were characterized, and concluded by repeating that to the ignorant and deluded dupes of the rebellion he was ready to extend forgiveness, and would vote for their return.⁸⁰

The motion was then withdrawn ((by CAPT. STEELE)).⁸¹

FOOTNOTES - 4 OCTOBER 1843.

1. This debate was reported in: BRITISH COLONIST, 10 October 1843, and the MONTREAL GAZETTE, 9 October 1843, in identical accounts; and the EXAMINER, 11 October 1843, which carried an edited version of the account in the KINGSTON CHRONICLE, 7 October 1843. The CHRONICLE described the petition as follows: "A petition ((was)) presented by Mr. Lafontaine, from the 4th Riding of York, couched in the most singular language, - evidently the production of David Wilson, but signed by a number of the respectable inhabitants of that Riding - representing the paucity of the resources of Canada, complaining of the high rates of salaries to public officers, and praying for a reduction of the expenses of Government."
2. KINGSTON CHRONICLE, 7 October 1843.
3. BRITISH COLONIST, 10 October 1843.
4. KINGSTON CHRONICLE, 7 October 1843.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. This debate was reported in the BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts.
15. BRITISH COLONIST, 10 October 1843.
16. IBID.
17. IBID.
18. IBID.
19. The following was reported in : BRITISH COLONIST, 10 October 1843, in an account identical to that in MONTREAL GAZETTE, 9 October 1843; and by LA MINERVE, 9 October 1843, and L'AURE, 10 October 1843, in identical accounts.
20. BRITISH COLONIST, 10 October 1843.
21. This debate was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts; MONTREAL TRANSCRIPT, 10 October 1843, in a partially edited version of BRITISH COLONIST and MONTREAL GAZETTE; KINGSTON CHRONICLE, 7, 11 October 1843; ST. CATHARINES JOURNAL, 19 October 1843; and L'AURE, 10 October 1843, and LA MINERVE, 23 October 1843; and JOURNAL DE QUEBEC, 26 October 1843.
22. KINGSTON CHRONICLE, 7 October 1843.
23. IBID.
24. IBID.
25. BRITISH COLONIST, 10 October 1843.
26. KINGSTON CHRONICLE, 7 October 1843.
27. IBID.

28. BRITISH COLONIST, 10 October 1843.
29. KINGSTON CHRONICLE, 7 October 1843.
30. BRITISH COLONIST, 10 October 1843.
31. KINGSTON CHRONICLE, 7 October 1843.
32. BRITISH COLONIST, 10 October 1843.
33. IBID.
34. ST. CATHARINES JOURNAL, 19 October 1843.
35. KINGSTON CHRONICLE, 7 October 1843.
36. IBID.
37. ST. CATHARINES JOURNAL, 19 October 1843.
38. BRITISH COLONIST, 10 October 1843.
39. LA MINERVE, 23 October 1843.
40. KINGSTON CHRONICLE, 7 October 1843.
41. ST. CATHARINES JOURNAL, 19 October 1843.
42. KINGSTON CHRONICLE, 7 October 1843.
43. IBID.
44. IBID.
45. BRITISH COLONIST, 10 October 1843.
46. ST. CATHARINES JOURNAL, 19 October 1843.
47. BRITISH COLONIST, 10 October 1843. According to the ST. CATHARINES JOURNAL, 19 October 1843, Mr. Viger said that it was he himself who had been in prison.
48. ST. CATHARINES JOURNAL, 19 October 1843.
49. BRITISH COLONIST, 10 October 1843.
50. Published as: REPORT OF THE STATE TRIALS BEFORE A GENERAL COURT MARTIAL AT MONTREAL IN 1838-9: EXHIBITING A COMPLETE HISTORY OF THE LATE REBELLION IN LOWER CANADA. 2 vols. Montreal: Armour and Ramsay, 1839.
51. LA MINERVE, 23 October 1843.
52. KINGSTON CHRONICLE, 11 October 1843.
53. IBID.
54. LA MINERVE, 23 October 1843.
55. KINGSTON CHRONICLE, 11 October 1843.
56. BRITISH COLONIST, 10 October 1843.
57. KINGSTON CHRONICLE, 11 October 1843.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. BRITISH COLONIST, 10 October 1843.
67. KINGSTON CHRONICLE, 11 October 1843.
68. BRITISH COLONIST, 10 October 1843.
69. IBID.
70. KINGSTON CHRONICLE, 11 October 1843.
71. IBID.

- 72. ST. CATHARINES JOURNAL, 19 October 1843.
- 73. LA MINERVE, 23 October 1843.
- 74. IBID.
- 75. KINGSTON CHRONICLE, 11 October 1843.
- 76. LA MINERVE, 23 October 1843.
- 77. IBID.
- 78. KINGSTON CHRONICLE, 11 October 1843.
- 79. LA MINERVE, 23 October 1843.
- 80. KINGSTON CHRONICLE, 11 October 1843.
- 81. IBID.

THURSDAY, 5 OCTOBER 1843.

(17)

Canada Fire
Assurance
Company.

MR. SPEAKER laid before the House a Statement of the Assets and Liabilities, and a List of the names of the Stockholders, of the Canada Fire Assurance Company received in conformity to an order of the House of the 10th October, 1842. (For the said Statement and List, see Appendix I.)

British American
Fire and Life
Assurance
Company.

Mr. Speaker also laid before the House a Return of the British American Fire and Life Assurance Company, received in conformity to the Acts 3d. William IV. Cap. 19, and 6th Victoria, Cap. 26. (For the said Return, see Appendix I.)

15 Petitions
brought up.

The following Petitions were severally brought up and laid on the Table:--

By Mr. De Witt--The Petition of Amable Jetté, and other Assessors in divers Parishes, in the County of Leinster.

By Mr. Moore--The Petition of Israel Rice, of the Township of Ham, in the District of Saint Francis; the Petition of Joshua Foss, and other Inhabitants of Westbury and other Townships in the District of St. Francis; and the Petition of Lieutenant Colonel William Morris, and others, Inhabitants of the County of Sherbrooke.

By Mr. Wakefield--The Petition of Eden Colville, of Beauharnois.

By Mr. Child--The Petition of Alexander Kilborn and others, Inhabitants of the County of Stanstead.

By the Honourable Mr. Harrison--The Petition of the Mayor, and Common Council of Kingston.

By the Honourable Mr. Morin--The Petition of J. Lefebvre de Bellefeuille, and others, inhabitants of the Parish of St. Eustache.

By the Honourable Mr. Attorney General Baldwin--The Petition of Joseph Ouellet, of Trois Pistoles, Notary.

By Mr. Parke--The Petition of Donald Currie, Schoolmaster, Aldborough, London District.

By Mr. Roblin--The Petition of Joseph Striker, and others, of the Township of Marysburgh, in the Prince Edward District.

By Mr. Holmes--The Petition of the Trustees of the Longueuil & Chambly Turnpike Road (relating to a loan of £2,500); the Petition of the Trustees of the Longueuil & Chambly Turnpike Road (relating to amendments to the Act incorporating them); and the Petition of the Honourable James Reid, and others, of the City of Montreal.

By the Honourable Mr. Viger--The Petition of the Municipal Council of the District of Richelieu.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of the Reverend J. B. Bourassa, and others, inhabitants of the Parish of Chateauguay, in the County of Huntingdon, praying aid for the establishment of an Institution for the education of female youth, to be conducted by Ladies from the Congregational Nunnery at Montreal.

Of J. Henry Lambe, and others, of the City and Parish of Montreal; praying that the Community of the Hotel Dieu may be authorized, by law, as Proprietors and Possessors of the Arrière Fiefs of Nazareth, St. Augustin and St. Joseph, to commute with their Censitaires.

Of Alexander McDonald, and others, inhabitants of the Indian Reservation in the Eastern District; praying that they may be allowed the exercise of the Elective Franchise.

Of James Corbitt, and others, Assessors, for taking the Census of the Parish of Sorel; praying to be remunerated for their services in

(18)

taking the said Census.

Of the Ladies of the Committee of Management of the Lying-in-Hospital of Montreal; praying for an aid, and an Act of Incorporation.

Of the Reverend John Bethune, and others, of the City of Montreal; praying for an Act to Incorporate an Association under the Style and Title of "The Provident Mutual Life Endowment, Clerical, Law, Medical, and General, Association in Canada."

Of George W. Fogg, and others, Inhabitants of the County of Stanstead; praying for the repeal of the District and Division Courts; the re-establishment of the small cause's Courts; and the restoration of the Registry Office in their County.

Of Increase Bullock, and others, Inhabitants of the County of Stanstead; praying for an aid to repair the road across the Bolton Mountains.

Of Damase Masson, of the City of Montreal; praying compensation for losses to the amount of £1670 16 4 occasioned by the Rebels, and by Her Majesty's Troops, during the Rebellion in 1838.

Of John De Cow, and others, Inhabitants of the County of Haldimand, in the Niagara District; praying for a renewal of the Charter granted them in the year 1835, for the purpose of carrying on a Glass Manufactory in the said County.

Of R. H. Whitmore, and others, Inhabitants of the Seigniority of St. Armand, in the Municipal District of Missisquoi; praying for a certain amendment to the Registry Ordinance; for the repeal of the Act

establishing Division Courts; and for the re-establishment of the Commissioner's Courts.

Of Cumfort Curtis, and others, Inhabitants of the Township of Percy, in the Newcastle District; praying that the Concession Line drawn by T. C. Dennehy, in the said Township, be confirmed by Law.

Of B. H. LeMoine, and others, Inhabitants of the City and District of Montreal; praying for aid in support of the British and Canadian School Society at Montreal.

Of the District Council of the Municipal District of Sherbrooke; praying for certain amendments to the District Council Ordinance; and Common School Act.

Of John Bonner and William Petry, of Quebec; praying that the Investigation instituted by the Legislative Assembly, into the merits of the Petition presented by them during the last Session, may be continued and brought to a close.

Of Thomas White, and others, Boot and Shoe Manufacturers of the City of Montreal; praying that a duty of thirty per cent may be imposed on Boots, Shoes, &c. imported into this Province from the United States.

Of Charles Turgeon, of Quebec, Merchant; praying payment out of the Public Moneys of £137 16 9 due to him by the District Council, of the Municipal District of Quebec.

Pet'ns Referred.

C. Cunningham & others of London, England.

Resolved, That the Petition of Charles Cunningham, and others, of the City of London in England, presented to the House on the second Instant, be referred to a Special Committee of seven Members to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers, and Records.

Ordered, That Mr. Christie, Mr. Taché, Mr. Wakefield, the Honourable

Mr. Neilson, Mr. De Witt, Mr. Berthelot, and Mr. Barthe, do compose the said Committee.

Adam Johnston & others.

Resolved, That the Petition of Adam Johnston and other Inhabitants of the third Concession of the Township of Cornwall, in the Eastern District, presented to the House on the second Instant, be referred to a Select Committee composed of Mr. McLean, Mr. Chesley, Mr. Roblin, Mr. G. Sherwood, and Mr. Forbes, to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers, and records.

Rev'd. John Bethune, and others. *Resolved, That the Petition of the Reverend John Bethune, and others, of the City of Montreal, be referred to a Select Committee, composed of the Honourable Mr. Moffatt, Mr. Quesnel, Mr. Dunlop, Mr. Forbes and Mr. Hale, to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers and records.*

Standing Committees. *The Honourable Mr. Neilson moved, seconded by Mr. Dunlop, that a Special Committee of seven Members be appointed to prepare and report, with all convenient speed, lists of Members to compose Standing Committees, viz.:*

First.....of PRIVILEGES AND ELECTIONS.

Second....." GRIEVANCES.

Third....." COURTS OF JUSTICE.

Fourth....." PUBLIC ACCOUNTS.

Fifth....." EDUCATION AND SCHOOLS.

Sixth....." TRADE.

Seventh...." AGRICULTURE.

Eighth....." ROADS AND PUBLIC IMPROVEMENTS.

Ninth....." PUBLIC LANDS AND SEIGNORIAL RIGHTS.

Tenth....." EXPIRING LAWS AND ENGROSSED BILLS.

Eleventh..." PRIVATE BILLS.

Twelfth...." HOSPITALS AND CHARITABLE INSTITUTIONS.

*which said Committees shall severally be empowered to examine and enquire into all such matters and things as may be referred to them by the House, and to report, from time to time, their observations and opinions thereon, with power to send for persons, papers and records.*¹

((MR. NEILSON)) observed, that by the House appointing these Committees much time might be saved. It was a system found to work well in other countries, and why not here? For want of this, measures in the shape of Acts of Parliament often went forth to the country, that were a disgrace to the Legislature. They were hurried through at a late

period of the session, when there was no time to deliberate upon them; and unless measures were adopted to obviate this, the same results would ensue.²

MR. BALDWIN agreed with the Member for Quebec in the necessity of adopting a judicious plan for facilitating the despatch of public business, but saw in the Committees that were named, a great probability of embarrassment accruing to the Government, as they embraced almost everything connected with the administration of affairs. In Lower Canada, he was aware such a course had been adopted and approved of; but the people there were opposed to the Government, and consequently suspicious of its acts. Under "responsible government," however now established in the province, a different feeling existed, which precluded the necessity of following a similar plan. He would, therefore, move an amendment, restricting the number ((of Committees))³.

(18)

The Honourable Mr. Attorney General Baldwin moved in amendment, seconded by the Honourable Mr. Attorney General Lafontaine, That all the words in the said motion between the word "That" and the words "which said Committees shall severally be empowered" be struck out, and the following substituted: "Select Standing Committees of this House for the present Session be appointed.

Firstly....of PRIVILEGES AND ELECTIONS.

Secondly....on EXPIRING LAWS.

Thirdly...." PRIVATE BILLS.

Fourthly...." STANDING ORDERS.

Fifthly...." PRINTING.

And

Sixthly...." CONTINGENCIES."

MR. HARRISON supported the amendment, as being in accordance with British practice. Under "responsible government," these Committees were now unnecessary, and, as had been stated by the Attorney General, would only prove an embarrassment. An allusion had been made by the Member for Quebec, to the failure of certain laws which had been introduced. It should be recollected, however, that they were new to the country. He would mention, too, the Municipal Act and the School Act. The former had been found generally to work; and he had every confidence in the wisdom of the House to remedy such defects as were apparent.⁴

MR. PRICE preferred leaving to the Government that full responsibility which it had assumed. He (Mr. P.) was neither a Government nor an

Opposition man, and desired only "the greatest good, for the greatest number," while others were desirous of ruling by the minority.⁵

MR. SHERWOOD. - The Government were responsible for every measure that was introduced, the frustration of which, he was persuaded, would be considered by them as a want of confidence.⁶

Hear! hear! from the Treasury Benches.⁷

((MR. SHERWOOD continued:)) It was unnecessary, then, to combat any further the principle of responsibility: that had been conceded. When they were defeated, of course they would resign.⁸

From the Treasury Benches, Yes! yes!⁹

((MR. SHERWOOD resumed:)) Well, then, such being the case, it was not the wish of the Opposition to act unfairly, by making them responsible for measures that passed into their hands from Committees, over which they had no control.¹⁰

MR. AYLWIN remarked, that the members of the Government were a committee themselves, why then, have a committee of grievances? If, as their plans were developed, the House was dissatisfied with their mode of conducting the business of the country, the remedy was simple enough, it had only to be recorded by the votes in the House, and they would immediately ((vacate)) and make way for others on the opposite side, whose attention he would merely direct to the course they might think proper to pursue while in opposition; as the same would be put in practice towards them, whenever that change might occur that would call upon them to occupy the seats of his colleagues.¹¹

SIR ALLAN MACNAB. - When he looked at the various appointments, and other circumstances that had taken place, he considered that "Responsible Government" was conceded to the people. He had no desire to embarrass the Government, but as he was opposed to the policy of it, whenever he deemed it necessary, he would not hesitate to oppose it in any way that was Parliamentary.¹²

MR. NEILSON. - Responsibility was a mere farce. The Government was the Government of the minority, and were the members of it dismissed to-morrow, he did not think they would be able to resume their places (Hear!) The people were not represented in the House, but only a portion of them. The Government here, was said to be upon the principle of that which prevailed in Great Britain. He denied it. It was neither British nor American, but a bastard system. If the country was to be governed like Great Britain, let them have the three estates - King, Lords, and Commons, and let the people have the controul of their own revenues, or else it was a mere deception.¹³

MR. HINCKS. - If the Hon. member meant to say, that the people of Canada, were not represented as well as the people of Great Britain, let him look to Ireland for instance, in which he would find that, comparatively, only a small number of members were returned. As to the people of Canada not having the control over their own revenues, that was no fault of the administration, but was to be charged to the Imperial Parliament. He (Mr. Hincks), and those with whom he had the honour to act, were fully alive to the importance of it, and it was their intention to submit a measure to the House during the present Session having reference to it.¹⁴

MR. MORIN supported the views taken by his colleagues. They could not make perfect laws, nor would they pretend to it. But, as far as the power was vested in them, they would endeavour to legislate for the good of the country.¹⁵

(18)

The question having been put upon the Motion of Amendment, a division ensued, and the names being called for, they were taken down as followeth:

(19)

YEAS:

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHILD, CHRISTIE, DALY, DERBISHIRE, DUGGAN, DUNN, FORBES, FOSTER, HARRISON, HINCKS, HOLMES, HOPKINS, JOHNSTON, JONES, JUDAH, KILLALY, LAFONTAINE, LESLIE, SIR ALLAN N. MCNAB, D. McDONALD, J. S. McDONALD, MERRITT, MOORE, MORIN, MORRIS, PAPINEAU, PARKE, PRICE, QUESNEL, ROBLIN, SIMPSON, HARMANNUS SMITH, G. SHERWOOD, H. SHERWOOD, STEELE, TACHE, TASCHEREAU, THOMPSON, THORBURN, D. B. VIGER, L. M. VIGER, WAKEFIELD, and WILLIAMS.--(51,)

NAYS:

Messieurs DE WITT, DUNLOP, HALE, MCLEAN, MOFFATT, and NEILSON.--(6.)

So it was carried in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, they were taken down as followeth:

YEAS:

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHILD, CHRISTIE, DALY, DERBISHIRE, DE WITT, DUGGAN, DUNN, FORBES, FOSTER, HALE, HARRISON, HINCKS, HOLMES, HOPKINS, JOHNSTON,

JONES, JUDAH, KILLALY, LAFONTAINE, LESLIE, SIR ALLAN MACNAB, D.
 McDONALD, J. S. MACDONALD, McLEAN, MOFFATT, MOORE, MORIN, MORRIS,
 PAPINEAU, PARKE, PRICE, ROBLIN, SIMPSON, HARMANNUS SMITH, G. SHERWOOD,
 H. SHERWOOD, STEELE, TACHE, TASCHEREAU, THOMSON, THORBURN, D. B. VIGER,
 WAKEFIELD, and WILLIAMS.--(52.)

NAY:

The Honourable Mr. NEILSON.

So it was carried in the affirmative, and

Resolved, Accordingly.

Lumber Trade.

On motion of Mr. Cameron, seconded by Mr. Johnston.

Ordered, That the Order of the day for the House in Committee to take into consideration the propriety of amending the Act passed in the last Session, regulating the Lumber Trade, lost by the adjournment of the House of yesterday, be revived, and that this House do resolve itself into the said Committee after the Orders of this day.

Commissioners
of Bankrupts.

On motion of Mr. De Witt, seconded by Mr. Christie,

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House from each of the Commissioners of Bankrupts, appointed in Lower Canada, under the Ordinance intituled "An Ordinance concerning Bankrupts, and the Administration and distribution of their Estates and Effects," a statement of the official business before him from his appointment to the present time, shewing

The number of persons and Firms or Co-partnerships who have taken the benefit of the said Ordinance, the name of each such Person or Firm, and the places at which they respectively last carried on business, before taking the benefit of the said Ordinance;

The Amount of the debts proved against each such Person or Firm, and the Dividends paid or ordered, in each case;

The total amount of the costs and expenses in each case; and the amount of the fees in each case paid or due to the Commissioners, Commissioners Clerk, Messenger, Witnesses, and other parties, respectively, and the allowance made to the Bankrupt;

The number of cases in which no dividend has been paid or ordered;

The number of cases in which the Bankrupt has received a certificate, and the number of cases in which the certificate has been refused;

The number of cases still pending, with the particulars above mentioned, in each case, so far as they can be ascertained;

The cases in which there shall have been appeals from the decision of the Commissioner, and the result of each appeal.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Independence of Parliament.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill for better securing the independence of the

*Parliament of this Province.*¹⁶

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time on Monday the sixteenth instant.

Census of Lower Canada.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill for taking the Census of the Inhabitants of

Lower Canada, and for obtaining certain statistical information therein mentioned.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time on Monday next.

On motion of the Honourable Mr. Attorney General Lafontaine, seconded by the Honourable Mr. Morin,

Judicature of Lower Canada.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing certain

parts, and amending certain other parts, of the several Laws relating to the Judicature of Lower Canada.

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Cameron reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved, That it is expedient to repeal certain parts, and to

amend certain other parts, of the several Laws relating to the Judicature in Lower Canada.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill to amend the Law relative to the administration of Justice in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time on Thursday next.

(20)

Court of Appeal,
Lower Canada.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill for the establishment of a better Court of Appeals

in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

Small Cause
Trial, Lower
Canada.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill to provide for the summary trial of Small Causes in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

Administration
of Justice Dis't of
Gaspé.

Ordered, That the Honourable Mr. Attorney General Lafontaine have leave to bring in a Bill to establish the District of Gaspé, and to provide for the due Administration of Justice therein.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time.

MR. HINCKS¹⁷ wished to direct the attention of the House to an important subject, and one which was interesting to the Province - the question of Agricultural protection - and to explain the views of the Government upon it. He said it was the intention of the Government to bring in a bill to impose a duty upon Agricultural produce entering the Province, which they intended should come into operation on the 5th of January next. These duties would go into operation as soon as possible, for the purpose of raising a revenue, and affording as little opportunity as possible for speculators to take advantage of. To prevent misapprehension upon the part of those who might differ with the Government upon the subject of Agricultural protection, he would state that he did not agree with those who took extreme views upon the subject of protection advocated by some, yet he did not see any reason why Agricultural produce should be allowed to enter the Province free, and all other things taxed. It might be said that they were necessities of life, and ought therefore to be exempt from duty. The duties about to be proposed by the Government would be such as to satisfy all reasonable persons, and not so

heavy that they would be oppressive to those opposed to Agricultural protection.¹⁸

(20)

On motion of the Honourable Mr. Hincks, seconded by Mr. Child,

Duties.

Resolved, That this House will, on Monday next, resolve itself into a Committee of the whole House, to consider the propriety of amending the Act 4 & 5 Victoria, cap. 14, which imposes duties on Goods, Wares, and Merchandize, imported into this Province, and imposing duties on certain Agricultural products exempted from duty under the said Act.

On motion of Mr. Merritt, seconded by Mr. Thompson,

Canada Corn Law
& British Posses-
sion Act.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House copies of all Despatches and communications with the Home Government, relating to the Canada Corn Law and British Possessions Act, since the 2d March, 1842.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Christie, seconded by Mr. Williams,

Reduction of
Civil List.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to inform this House whether any communications have been made, since the last Session, to Her Majesty's Government, by the Executive of this Province, with respect to a reduction in the Civil List, and other expenses of the Civil Government thereof, and that His Excellency will be pleased to lay before the House all such information and correspondence respecting the same as he may deem himself at liberty to communicate.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Administration
of Justice,
Gaspé.

Ordered, That one hundred copies of the Report of the Commissioners on the Administration of Justice in the Inferior District of Gaspé, be printed in each of the English and French Languages, for the use of the Members of this House.

On motion of Mr. Christie, seconded by Mr. McLean,

Continuance of
Prov'l Par. on
demise of
Crown.

Ordered, That the Order of the day for the second reading of the Bill for continuing the Provincial Parliament in case of the death or demise of Her Majesty, Her Heirs, and Successors, lost by the adjournment of the House of yesterday, be revived, and that the said Bill be read a second time after the Orders of this day.

Expense of
New Commissions.

Ordered, That the Order of the day for the second reading of the Bill to save Public Officers the expense of New Commissions, on the demise of the Crown, lost by the adjournment of the House of yesterday, be revived, and that the said Bill be read a second time after the Orders of this day.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Attorney General Lafontaine,

Juries.

Resolved, That this House do now resolve itself into a Committee of the whole House to take into consideration the Acts of the Parliament of the late Province of Upper Canada, of the 34 Geo. 3, Cap. 1, for the regulation of Juries; the 36 Geo. 3, Cap. 2, to amend the same; the 48 Geo. 3, Cap. 13, for the regulation of Special Juries; and the first section of the 32 Geo. 3, Cap. 2, for the establishment of Trial by Jury, with a view to the consolidation and amendment of the same.

The House accordingly resolved itself into the said Committee.

Mr. Holmes took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

And Mr. Holmes reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's Table and agreed to by the House, and is as followeth:

Resolved, That it is expedient to repeal the Acts of the Parliament of the late Province of Upper Canada, of the 34 Geo. 3, Cap. 1, for the regulation of Juries; the 36 Geo. 3, Cap. 2 to amend the same; the 48 Geo. 3, Cap. 13, for the regulation of Special Juries; and the latter part of the first section of the 32 Geo. 3, Cap. 2, for the establishment of Trial by Jury, and to consolidate and amend the provisions thereof.¹⁵

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill for the consolidation and amendment of the Laws relative to Jurors, Juries, and Inquests, in that part of this Province called Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on the twenty-third Instant.¹⁹

Accommodation
for Committees.

Resolved, That a Special Committee of five Members be appointed to inquire what accommodation is afforded, within the Legislative Building for the deliberation of the Committees of this House, and if insufficient, to report what further accommodation may be necessary, and if such can be obtained in the vicinity of the House, to report thereon, with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Simpson, Mr. Thorburn, Mr. L. M. Viger, Mr. De Witt and Mr. Cartwright do compose the said Committee.

On motion of Mr. Johnston, seconded by Mr. Roblin,

Temporalities
Church of
England.

Ordered, That the Order of the day for the House in Committee to take into consideration the

(21)

expediency of amending the Act of the 4 & 5 Victoria, Cap. 74, passed in the fifth Session of the thirteenth Provincial Parliament of Upper Canada, intituled "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned," lost, by the adjournment of the House of yesterday, be revived, and that this House will resolve itself into the said Committee after the Orders of this day.

Independence
of Judges.

The Order of the day for the second reading of the Bill to render the Judges of the Courts of King's Bench, in that part of this Province heretofore Lower Canada, independent of the Crown, being read,

Ordered, That the said Order of the day be postponed until Monday the sixteenth Instant.

Sellers of Real
Estate.

A Bill to afford relief in certain cases to Sellers of Real Estate in Canada West, was, according to Order, read a second time.

Expense of New
Commissions.

A Bill to save Public Officers the expense of New Commissions on the demise of the Crown, was, according to Order, read a second time.

Ordered, That the said Bill be engrossed.

Parliament
continuation.

A Bill for continuing the Provincial Parliament, in case of the death or demise of Her Majesty, Her Heirs, and Successors, was, according to Order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House to-morrow.

Lumber Trade.

The Order of the day for the House in Committee to take into consideration the propriety of amending the Act passed in the last Session, regulating the Lumber Trade being read,

The House accordingly resolved itself into the said Committee.

Mr. Morris, took the Chair of the Committee, and after some time spent therein.

Mr. Speaker resumed the Chair;

And Mr. Morris reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and agreed to by the House, and is as followeth:

Resolved, That it is expedient to repeal an Act passed during the last Session of the Provincial Parliament, entitled "An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature," and to introduce a new Bill for like purposes.

Ordered, That Mr. Cameron have leave to bring in a Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, and other articles of a like nature.

He accordingly presented the said Bill to the House, and the same was received, and read for the first time, and ordered to be read a second time, on Friday the thirteenth instant.

Temporalities
Church of
England.

The Order of the Day for the House in Committee to take into consideration the expediency of amending the Act of the 4 & 5 Victoria, cap. 74, passed in the fifth Session of the thirteenth Provincial Parliament of Upper Canada, intituled "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland in this Province, and for other purposes therein mentioned" being read.

The House accordingly resolved itself into the said Committee.

Mr. Christie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair;

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Attorney General Baldwin.

The House adjourned.

APPENDIX, 5 OCTOBER 1843.

((NOTICE OF PROPOSED MOTIONS.))²⁰

MR. BALDWIN ²¹ gave notice of an address in order to obtain all the correspondence relative to the case of Mr. Bidwell.²²

MR. WAKEFIELD²³ made a motion, that an humble address be presented to His Excellency, praying that all correspondence between the Executive and the Military authorities, on the subject of stationing troops on the line of the Beauharnois Canal, be laid on the table of this House.²⁴

((QUESTION AND ANSWER RE: SALARIES OF MESSRS. ROBINSON AND PRESCOTT ON WELLAND CANAL.))²⁵

MR. PRICE said he had a few questions to ask Her Majesty's ministers on the Treasury benches, and desired some explanation. He wished to ask whether Messrs. Prescott & Robinson retained their situation on the Welland Canal, and if not, whether they were receiving any salaries from the Government?²⁶

MR. KILLALY in answer to the question, said that Mr. Robinson the Superintendant of the Welland Canal, and Mr. Prescott, the Secretary to the old Board of Commissioners, still retained their situations. In consequence of the new works requiring a different class of men, the Board of Works had appointed a new set of Officers, who would eventually supersede the former gentlemen, but for the present and until the close of the navigation, it was found expedient to continue their services, they were therefore receiving their salaries as formerly.²⁷

((QUESTION AND ANSWER RE: MACADAMIZED ROADS IN HOME DISTRICT.))²⁸

MR. PRICE enquired ... whether the Government intended to take the management of the macadamized road in the Home District.²⁹

MR. HINCKS ... stated that it was the intention of the Government, at an early period, to introduce a general measure respecting all roads, and that then their views would be fully stated.³⁰

((QUESTION AND ANSWER RE: SUPPRESSION OF ORANGE SOCIETIES.))³¹

MR. PRICE enquired ... whether Orange societies were to be suppressed.³²

M. BALDWIN répond³³, ((that)) they ((the Government)) also intended to introduce a Bill to suppress all secret societies.³⁴ ((He)) moved for leave to bring in a Bill for the suppression of Orange Societies, all Secret Societies, and for the better holding of Public Meetings.³⁵

((QUESTION AND ANSWER RE: SALARIES OF GOVERNOR'S SECRETARY AND OF
PROVINCIAL SECRETARY.))³⁶

MR. PRICE enquired ... what was the number of Secretaries and their salaries.³⁷

MR. HINCKS in answer to the question from Mr. Price ... said that the hon. member by consulting the Journals of the House, would obtain all necessary information, at present there were two besides the Secretary for Canada East - the Private Secretary of the Governor and the Civil Secretary - the one having £300, and the other £1,500 per annum.³⁸

FOOTNOTES - 5 OCTOBER 1843.

1. The debate on this matter was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts; MONTREAL TRANSCRIPT, 10 October 1843; ST. CATHARINES JOURNAL, 19 October 1843; LA MINERVE, 9 October 1843; and L'AUREOLE, 10 October 1843.

2. MONTREAL GAZETTE, 9 October 1843.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. The ST. CATHARINES JOURNAL, 19 October 1843, gives a detailed commentary on this motion.

17. This matter was reported in: KINGSTON CHRONICLE, 7 October 1843, and MONTREAL TRANSCRIPT, 10 October 1843, in identical accounts; ST. CATHARINES JOURNAL, 19 October 1843; the EXAMINER, 11 October 1843; and BRITISH COLONIST, 10 October 1843, in an account identical to that of MONTREAL GAZETTE, 9 October 1843. ST. CATHARINES JOURNAL reports: "The following scale of duties were approved, by a very large meeting of members, and no doubt will be adopted by the House: -

Table, exhibiting the Proposed Duties on Agricultural Products.

	£	s.	d.
Horses, Mares and Geldings, each,	1	16	6
Colts and Foals, under 2 years old,	0	18	3
Mules and Asses,	0	6	1
Oxen, 4 years old and upwards,	1	0	0
Bulls,	0	18	3
Cows,	0	12	2
Calves, under 1 year old,	0	6	1
Sheep,	0	2	5
Lambs,	0	1	2
Swine and Hogs,	0	6	1
Goats and Kids,	0	1	2
Poultry or Game, for every \$100 value	10	ad val.	
Barley, per quarter,	0	5	7
Rye, Peas and Beans,	0	9	7
Oats,	0	3	7
Maize, or Indian Corn,	0	2	5
Buckwheat, Bear or Bigg,	0	2	5

Barley and Oatmeal, Buckwheat and Indian Corn Meal,	£	s	p
per 196 lbs.	0	2	5
Hay, per ton,	0	7	3
Straw, do.	0	3	7
Hops, do.	4	ad. vl.	& 3
Potatoes, per bush.	0	0	4 $\frac{3}{4}$
Vegetables unenumerated, per £100 value,	15	ad	val.
PROVISIONS, viz: -			
Bacon and Hams, cured, per cwt.	0	9	8
Meat of all kinds, fresh,	0	4	10
do. salted or cured,	0	6	1
Butter,	0	12	2
Cheese,	0	9	7 $\frac{1}{2}$
Lard,	4	ad val.	& 7 3
Eggs, for every £100,	10	ad val."	

18. MONTREAL TRANSCRIPT, 10 October 1843.

19. ST. CATHARINES JOURNAL, 19 October 1843, provides a commentary of this bill.

20. See also footnote 35 below.

21. This was reported in: KINGSTON CHRONICLE, 7 October 1843; ST. CATHARINES JOURNAL, 19 October 1843; and the EXAMINER, 11 October 1843.

22. EXAMINER, 11 October 1843.

23. This motion was reported in: MONTREAL TRANSCRIPT, 10 October 1843; ST. CATHARINES JOURNAL, 19 October 1843; KINGSTON CHRONICLE, 7 October 1843; BRITISH COLONIST, 10 October 1843, in an account identical to the MONTREAL GAZETTE, 9 October 1843; LA MINERVE, 9 October 1843; and L'AURE, 10 October 1843.

24. MONTREAL TRANSCRIPT, 10 October 1843, which mistakenly reported this notice which in part came up on 9 October, as the actual motion.

25. The debate on this matter was reported in: KINGSTON CHRONICLE, 7 October 1843, and MONTREAL TRANSCRIPT, 10 October 1843, in identical accounts; BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts; and ST. CATHARINES JOURNAL, 19 October 1843.

26. MONTREAL TRANSCRIPT, 10 October 1843.

27. IBID.

28. The following was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts; KINGSTON CHRONICLE, 7 October 1843; ST. CATHARINES JOURNAL, 19 October 1843; and EXAMINER, 11 October 1843.

29. MONTREAL GAZETTE, 9 October 1843.

30. MONTREAL TRANSCRIPT, 10 October 1843.

31. This exchange was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts; LA MINERVE, 9 October 1843; and L'AURE, 10 October 1843.

32. MONTREAL GAZETTE, 9 October 1843.

33. L'AURE, 10 October 1843.

34. MONTREAL GAZETTE, 9 October 1843.

35. MONTREAL TRANSCRIPT, 10 October 1843.
36. This exchange was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 9 October 1843, in identical accounts; MONTREAL TRANSCRIPT, 10 October 1843, and KINGSTON CHRONICLE, 7 October 1843, in identical accounts; and ST. CATHARINES JOURNAL, 19 October 1843.
37. MONTREAL GAZETTE, 9 October 1843.
38. MONTREAL TRANSCRIPT, 10 October 1843.

FRIDAY, 6 OCTOBER 1843.¹

(21)

Eight Petitions
brought up.

THE following Petitions were severally brought
up, and laid on the Table:--

By Mr. Parke--The Petition of George Belton, and others, of the
London and Brock Districts.

By Mr. Foster--The Petition of the President and Directors of the
Shefford Academy.

By Mr. Holmes--The Petition of the Mayor, Aldermen, and Citizens of
the City of Montreal.

By Mr. Harmannus Smith--The Petition of Samuel Pomfrey, of the
Township of Ancaster, in the Gore District.

By Mr. Boswell--The Petition of John Vandal Ham, of the River Trent,
Doctor of Medicine.

By Mr. Child--The Petition of C. Jackson, and others, Trustees of
the Charleston Academy.

By the Honourable Mr. Hincks--The Petition of David Mackenzie, and
others, School Teachers in the District of Brock.

By Sir Allan N. MacNab--The Petition of Alexander Findlay, and other
Electors of the County of Russell.

Expense of new
Commissions.

An engrossed Bill to save Public Officers the
expense of New Commissions, on the demise of the
Crown, was read for the third time.

Resolved, That the Bill do pass and the Title be "An Act to exempt
Public Officers from the expense of New Commissions on the demise
of the Crown."

Ordered, That Mr. Christie do carry the said Bill to the Legislative
Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of the Municipal Council of the Western District; praying for the
removal of the District Seat from Sandwich to Chatham.

Of the Rev. C. Gagnon, and others, Inhabitants of the Townships of
Somerset, Stanfold, and other places; praying a grant of £2,000 to open
a Road from the said Townships to the River St. Lawrence; and that the
lands in the same may be granted to the actual occupants.

Of the Members of the Medical Board of Montreal; praying for the
passing of an Act to regulate and facilitate the study of Anatomy.

Of Saveuse De Beaujeu, and others, Inhabitants of the County of
Vaudreuil; praying a Grant for a Road across Isle Perrot.

Of the Honourable Adam Ferrie, of Montreal; praying to be authorized to sue for such debts, and the recovery of such rights, as he may be lawfully entitled to maintain in his capacity of Chairman of the Canada Inland Forwarding Company.

Of David Connell, and others, Inhabitants of the County of Stanstead; praying for a repeal of the Registry Ordinance, and the establishment of a Registry Office in the said County to enregister Notarial Deeds at full length.

Of A. F. Holmes, M. D., and others, Professors and Lecturers of the Medical School in connexion with McGill College at Montreal; praying an aid to enable them to carry on the operations and extend the usefulness

(22)

of the said Institution.

Of E. M. Leprohon, and others, Inspector and Assistant Inspectors of Pot and Pearl Ashes, of the City of Montreal; praying for certain amendments to the Act to regulate the Inspection of Pot and Pearl Ashes.

Of the Municipal Council of the District of Brock; praying for Legislative enactment to protect the Agriculturists and rural Merchants of the Province, against the high charges of Forwarders.

Of the District Council of the District of Brock; praying for the passing of a Law enacting that the Registrar's Office be kept in the Court House of the District Town.

Of Aeneas Bell, of the City of Toronto; praying remuneration for his services as Keeper of the Parliament House in the said City during a certain period.

Of Andrew H. Young, and others, of the City of Quebec; praying that C. Cunningham, R. Norman, S. Amory, and others, be Incorporated for the purpose of carrying on the British Fisheries in the Gulf of St. Lawrence, and for other purposes.

Petitions referred. Resolved, That the Petition of Alexander McDonald, and others, Inhabitants of the Indian Reservation, in the Eastern District, presented to the House on the third Instant, be referred to a Select Committee, composed of Mr. Chesley, the Honourable Mr. Viger, Mr. Simpson, Mr. Forbes, and Mr. McLean, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

Certain Inhabitants of Quebec.

Ordered, That the Petition of Andrew H. Young, and others, of the City of Quebec, be referred to the Special Committee to which was referred the Petition of Charles Cunningham, and others, of the City of London, in England.

Medical Board Montreal.

Resolved, That the Petition of the Members of the Medical Board of Montreal, be referred to a Select Committee, composed of Mr. Simpson, Mr. Tache, Mr. Boutillier, Mr. Harmanus Smith, and Mr. Dunlop, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

John De Cow and others.

Resolved, That the Petition of John De Cow, and others, Inhabitants of the County of Haldimand, in the Niagara District, presented to the House on the third Instant, be referred to a Select Committee, composed of Mr. Merritt, Mr. Thompson, Mr. Thorburn, Mr. Powell, and Mr. Harmanus Smith, to examine the contents thereof, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers, and records.

Election, County of Montreal.

The Honourable Mr. Sherwood, from the Special Committee to which was referred a motion made on the third instant, viz.:—"That Mr. Speaker do issue his warrant to the Clerk of the Crown in Chancery to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the County of Montreal, in the room of Alexander Maurice Delisle, Esquire, who, since his election, has accepted the office of Clerk of the Peace for the District of Montreal," presented to the House the Report of the said Committee, which was again read at the Clerk's table, as followeth:--

Your Committee have had before them copies of the Commission appointing Messrs. Delisle and Brehaut to be jointly Clerk of the Peace for the District of Montreal (dated 25th May, 1838), and of that appointing A. M. Delisle, Esquire, solely to fill that office (dated 4th July, 1843) both of which Commissions are hereunto annexed.

On referring to the first clause of the Act of the Legislature of the late Province of Lower Canada (4 Will. 4, chap. 32) intituled "An Act for vacating the seats of Members of the Assembly in certain cases therein mentioned," and the first clause of the Act passed at the last Session of the present Provincial Parliament, intituled "An Act to make the Law for vacating the seats of Members of the Legislative Assembly accepting Office uniform throughout this Province"--Your Committee find that Alexander M. Delisle, Esquire, a Member of Your Honourable House,

by accepting, since his Election in May, 1841, "An office of profit under the Crown," placed himself in the position of having vacated his seat for the County of Montreal.

Your Committee have looked into several precedents in the House of Commons of Great Britain and Ireland, which establish the fact that a mere renewal of a Commission, to comply with legal or other forms, does not vacate the seat of a Member; but in this case Mr. Delisle, being authorized by his new Commission to receive all the fees and emoluments, to only half of which he was entitled under the former one, has clearly had a profit conferred on him by the authority of the Crown, which he has accepted since his Election.

Your Committee therefore recommend, that a new Writ be ordered for the County of Montreal, for the Election of a Member in the place of the said Alexander Maurice Delisle, Esquire.

Dissentient, the Honourable Mr. Sherwood and the Honourable Mr. Moffatt.

A.

Province of Signed, J. COLBORNE.
Lower Canada.

Commission appoint'g VICTORIA, by the Grace of GOD, of the United
Alexander Maurice Kingdom of Great Britain and Ireland QUEEN,
Delisle and Defender of the Faith, &c. &c. &c.
William Henry

Brehaut, Esquires,
Joint Clerk of
the Peace for the
District of
Montreal.

To all to whom these Presents shall come, or
whom the same may concern--Greeting:

Fiat. Recorded
in the Registrar's
Office of Records at
Quebec, the 25th day
of May, 1838, in the
fifteenth Register
of Letters Patent
and Commissions.--
Folio 187.

D. Daly.
Registrar.

WHEREAS, by certain Letters Patent bearing date at our Castle of Saint Lewis, in our City of Quebec, the fifth day of January, in the year of our Lord one thousand eight hundred and thirty three, and in the third year of the Reign of His late Majesty William the Fourth, His said late Majesty did assign, constitute and appoint John Delisle and Alexander Maurice Delisle, of our City of Montreal, Esquires, to be jointly Clerk of the Peace, and of our Sessions of the Peace for our said District of Montreal, in our said Province of Lower Canada--And whereas the said John Delisle hath lately departed this life: Now Know Ye, that reposing trust and confidence in the loyalty,

integrity and ability of our beloved and faithful Alexander Maurice Delisle, and William Henry Brehaut, Esquires, We of our Especial Grace, certain knowledge and mere motion, have assigned, constituted and appointed and by these presents do assign, constitute and appoint the said Alexander Maurice Delisle, and William Henry Brehaut, to be jointly Clerk of the Peace, and of our Sessions of our Peace for our said

(23)

District of Montreal, in our said Province of Lower Canada. To have, hold, exercise and enjoy the said office of Clerk of the Peace, and of our Sessions of the Peace as aforesaid, together with all and singular the rights, privileges, fees, profits, emoluments and advantages to the said office appertaining, or which shall or may lawfully appertain to the same, unto them the said Alexander Maurice Delisle and William Henry Brehaut jointly for and during our pleasure and the residence of them the said Alexander Maurice Delisle and William Henry Brehaut respectively in our said Province of Lower Canada.

In testimony whereof, we have caused these our Letters to be made Patent, and the Great Seal of our said Province of Lower Canada to be hereunto affixed: Witness our trusty and well beloved Lieutenant General Sir John Colborne, Knight Grand Cross of the most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Commander in Chief of our Forces in the Province of Lower Canada and Upper Canada, and Administrator of the Government of our said Province of Lower Canada. At our Castle of Saint Lewis, in our City of Quebec, in our said Province of Lower Canada, the twenty-fifth day of May, in the year of our Lord one thousand eight hundred and thirty-eight,

(Signed,)

D. Daly,
Sec'y.

Provincial Registrar's Office,
Kingston, 5th October, 1843.

I do certify that the foregoing is a true and faithful copy of the Record with which it has been carefully collated.

R. A. Tucker,
Registrar.

B.

Province of
Canada.

C. T. METCALFE.

Letters Patent
appointing A.
M. Delisle, Esq.
to be Clerk of the
Peace and of
the Sessions of
the Peace for the
District of
Montreal.

Recorded in the
Registrar's office
of the Records at
Kingston, the
seventh day of
July, 1843, in the
eighteenth Re-
gister of Com-
missions and
Letters Patent.
Folio 98.
R. A. Tucker,
Registrar.

VICTORIA, by the Grace of GOD, of the United
Kingdom of Great Britan and Ireland, QUEEN,
Defender of the Faith, &c. &c. &c.

To all to whom these Presents shall come, or
 whom the same may concern--Greeting:

WHEREAS, by certain Letters Patent, bearing date
 at our Castle of Saint Lewis, in our City of Quebec,
 on the twenty-fifth day of May, in the first year
 of our Reign, we did assign, constitute and appoint
Alexander Maurice Delisle and William Henry Brehaut,
Esquires, to be jointly Clerk of the Peace and of
 our Sessions of the Peace for our District of
Montreal, in our said Province, for and during our
 pleasure. And whereas we have determined our
 pleasure in the premises, and for divers good
 causes and considerations, Us thereunto moving,
 have revoked and repealed as by these Presents we
 do revoke and repeal our said Letters Patent:
 Now Know Ye, that reposing trust and confidence
 in the loyalty, integrity and ability of our beloved
 and faithful Alexander Maurice Delisle, of our City
 of Montreal, Esquire, We of our Especial Grace,

certain knowledge and mere motion, have assigned, constituted and
 appointed, and by these Presents do assign, constitute and appoint him
 the said Alexander Maurice Delisle to be Clerk of the Peace, and of our
 Sessions of the Peace, for our said District of Montreal, in our said
 Province: to have, hold, exercise and enjoy the said office of Clerk of
 the Peace, and of our Sessions of the Peace, as aforesaid together with
 all and singular, the rights, privileges, fees, profits, emoluments and
 advantages, to the said Office appertaining, or which shall or may
 lawfully appertain to the same, unto him the said Alexander Maurice
Delisle, for and during our pleasure and the residence of him the said
Alexander Maurice Delisle in our said Province.

In testimony whereof, We have caused these our Letters to be made
 Patent, and the Great Seal of Our said Province of Canada to be
 hereunto affixed; Witness our right trusty and well beloved, the
 Right Honourable Sir Charles Theophilus Metcalfe, Baronet,
 Knight Grand Cross of the Most Honourable Order of the Bath, one
 of our Most Honourable Privy Council, Governor General of
British North America, and Captain General and Governor in Chief
 in and over our Provinces of Canada, Nova Scotia, New Brunswick
 and the Island of Prince Edward, and Vice Admiral of the same--
 at our Government House at Kingston, in our said Province of
Canada, the fourth day of July, in the year of our Lord, one

thousand eight hundred and forty-three, and in the seventh year of our Reign.

C. T. M.

D. Daly,
Secretary.

*Provincial Registrar's Office,
Kingston, 5th October, 1843.*

I do certify that the foregoing is a true and faithful copy of the Record, with which it has been carefully collated.

R. A. Tucker,
Registrar.

MR. SHERWOOD, the Chairman of the Committee, then moved that the said Report be submitted to a Committee of the Whole on Monday,² his opinion being at variance with that delivered in the Report.³

MR. AYLWIN regretted being compelled to postpone the motion. The Member for Toronto, who was distinguished for his legal acquirements, could not have formed his opinions without having searched into precedents; he (Mr. Aylwin) would, however, at once shew the fallacy of any objection that might be offered, if the House would permit him.⁴

MR. SHERWOOD replied that he was perfectly willing to argue the point then, he having deferred it till Monday, not to suit his own convenience, but in compliance with the wishes of the Committee.⁵

SIR A. MACNAB - Such an appeal was seldom made to the House in vain. The Attorney General (Mr. Baldwin) had expressed his doubts upon the subject, and time ought therefore to be allowed to take the matter into consideration, otherwise, at the pleasure of the Administration, the seat of any Member might be pronounced vacant, and a new writ issued.⁶

MR. AYLWIN remarked, that he was not aware that it was the wish of the Committee to postpone the discussion of Monday; that being the case, however, he would not oppose the motion.⁷

(23)

Ordered, *That the said Report be referred to a Committee of the whole House, on Monday next.*

On motion of Mr. Price, seconded by Mr. Papineau,

Names of Members
who have received
appointments.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, the names of all Members of this House who have received appointments to office, whether of honour or profit, from the Government; the nature of each appointment, with the salary attached to each office; together with such appointments as have been given, since the Union, to Gentlemen formerly Members of the House; with the salary to each office stated in current money. The appointments made before, to be distinguished from those made on and since the 16th September, 1842.⁸

The hon. gentleman ((MR. PRICE)) stated his object to be to show the great power which the government possessed in that House: he wanted to show that while a majority or nearly a majority of members in that House held offices under the government, the liberties of the people were not safe. (Hear, hear.)⁹ A full statement of all the particulars he had applied for, would, he was sure, greatly facilitate the passage of the Bill that had been introduced to "secure the independence of Parliament."¹⁰

MR. NEILSON added, that the names of all who had applied for office, ought to be given as well.¹¹ (A laugh.)¹²

MR. JOHNSTON also suggested, that the names of those who had refused office, should be included; being of opinion that they would not occupy the greatest space on the list. (Hear! hear! and a laugh.)¹³

MR. LAFONTAINE remarked, that if such were to be conceded by the House, the names of all applicants unconnected with Parliament, should be given also. Since he had been in office, he had been much annoyed with applications, principally from parties in Upper Canada; and he would now give notice, that if their only merit was that of applying to him, there was very little prospect of their wishes being responded to.¹⁴

(23)

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Leslie, seconded by Mr. Dunlop,

Bank Statements.

Ordered, That the Officers connected with the several Chartered Banks and Insurance Offices of the Province be respectively directed to lay before this House the Statement of the affairs of the said Banks and Offices, as required by the Acts of Incorporation.

The Honourable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

(24)

King's and U.
C. College.

Detailed Statements of affairs of King's College, and Upper Canada College, for the years 1839, 1840, 1841 and 1842.

For the said Statement, see Appendix J.

Ordered, That two hundred and fifty copies of the said Statement be printed, in each of the English and French Languages, for the use of the Members of this House.

Parliament
continuation on
demise of
Crown.

The Order of the Day for the House in Committee on the Bill for continuing the Provincial Parliament, in case of the death or demise of Her Majesty, Her Heirs, and Successors, being read.

The House accordingly resolved itself into the said Committee.

Mr. Forbes took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Forbes reported that the Committee had gone through the Bill, without making any amendment thereto; and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Then, on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Daly,

The House adjourned till Monday next.

APPENDIX, 6 OCTOBER 1843.

((NOTICE OF QUESTION RE: POST OFFICE LEGISLATION.))

MR. THORBURN gave notice of his intention on Monday next to put a question to the hon. gentlemen on the treasury benches, whether it was their intention to introduce any measure relative to the management of the Post Office, and if so, the nature of that measure.¹⁵

FOOTNOTES - 6 OCTOBER 1843.

1. "But little business was done in the House to-day." KINGSTON CHRONICLE, 11 October 1843.
2. The debate on this motion was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 10 October 1843, in identical accounts; and L'AURE, 10 October 1843.
3. MONTREAL GAZETTE, 10 October 1843.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. The debate on this matter was reported in: BRITISH COLONIST, 10 October 1843, and MONTREAL GAZETTE, 10 October 1843, in identical accounts; KINGSTON CHRONICLE, 11 October 1843; and L'AURE, 10 October 1843. There is a commentary in the MONTREAL TRANSCRIPT, 14 October 1843.
9. KINGSTON CHRONICLE, 11 October 1843.
10. MONTREAL GAZETTE, 10 October 1843.
11. IBID.
12. KINGSTON CHRONICLE, 11 October 1843.
13. MONTREAL GAZETTE, 10 October 1843.
14. IBID.
15. KINGSTON CHRONICLE, 11 October 1843.

MONDAY, 9 OCTOBER 1843

(24)

15 Petitions
brought up.

The following were severally brought
up and laid on the table:--

By Mr. Wakefield--The Petition of the Reverend J. Z. Carron, and other Inhabitants of the Municipal District of Beauharnois (relating to the re-establishment of the Commissioners' Courts); the Petition of the Reverend J. Z. Carron, and other Inhabitants of the County of Beauharnois (relating to persons who sell Malt Liquors); and the Petition of Eden Colville, of Beauharnois, Agent for the North American Colonial Association of Ireland.

By Mr. Hale--The Petition of the Lord Bishop of Montreal, and others.

By Mr. De Witt--The Petition of the Corporation of the College of L'Assomption, in the County of Leinster.

By the Honourable Mr. Attorney General Baldwin--The Petition of the Municipal Council of the District of Victoria (relating to a tax on dogs) and the Petition of the Municipal Council of the District of Victoria (relating to Tavern and other Licenses.)

By Mr. Cartwright--The Petition of the President, Directors and Stockholders of the Cataragui Bridge.

By Mr. Henry Smith--The Petition of the Municipal Council of the Midland District; and the Petition of William Ketcheson, Junior, and others, late Boundary-line Commissioners for the District of Victoria.

By Mr. Cameron--The Petition of William Gordon, and others, of the Township of Diamond.

By the Honourable Mr. Neilson--The Petition of the Superior and Directors of the Seminary of Quebec; the Petition of Mrs. M. G. P. Painchaud, and others, Directresses and Managers of the Charitable Association of Roman Catholic Ladies of Quebec; and the Petition of Mrs. Susannah Smith, and other Ladies of the Quebec Infant School.

By the Honourable Mr. Jones--The Petition of William Baker, and others, Trustees for the Dunham High School.

Parliament continu-
ation in case of
demise of Crown.

An engrossed Bill for continuing the
Provincial Parliament, in case of the death
or demise of Her Majesty, Her Heirs and
Successors, was read for the third time.

Resolved, That the Bill do pass and the Title be "An Act for
continuing the Provincial Parliament in case of the demise
of the Crown."

Ordered, That Mr. Christie do carry the said Bill to the
Legislative Council and desire their concurrence.

Petitions Read.

Pursuant to the Order of the day, the
following Petitions were read:--

Of Amable Jetté, and other Assessors in divers Parishes, in the County of Leinster; praying to be indemnified for their trouble and expenses in taking the Census in their several localities, under the Act 4 & 5 Victoria, cap. 42, the Municipal Council not having provided the means of paying them the allowance mentioned in the said Act.

Of Israel Rice, of the Township of Ham, in the District of St. Francis; representing the sufferings which he has endured in settling in the said Township, and praying relief.

Of Joshua Foss, and other Inhabitants of Westbury and other Townships, in the District of St. Francis; praying aid for the completion of a Road in the said Townships.

Of Lieutenant Colonel William Morris, and others, Inhabitants of the County of Sherbrooke; praying for Agricultural protection.

Of Eden Colville, of Beauharnois; praying, as Agent for the Proprietors of the Seignory of Beauharnois, for compensation for losses sustained by the Inhabitants of the said Seignory from outrages of the workmen on the Canal, and for protection against further injury.

Of Alexander Kilborn, and others, Inhabitants of the County of Stanstead; praying aid for the extension of the Chambly Plank Road to the outlet of Lake Memphremagog, and thence to the Township of Hereford and to the Town of Sherbrooke; and for the survey of the said extension of Road by the Board of Works.

Of the Mayor and Common Council of Kingston praying to be Incorporated under the Title of "The City of Kingston," and for the extension of the limits of the said City.

Of J. Lefebvre de Bellefeuille, and others, Inhabitants of the Parish of St. Eustache; praying to be indemnified for the loss of the Church and Convent in the said Parish, which were burnt during the late Rebellion.

Of Joseph Ouellet, of Trois Pistoles, Notary; praying that he may be paid 71 15 10 for his services in taking the Census, of the County of Rimouski; for which sum a Resolution of the Assembly of Lower Canada was passed in his favor on the 26th February, 1836.

Of Donald Currie, Schoolmaster, Aldborough, London District; praying for a superannuated allowance.

Of Joseph Striker, and others, of the Township of Marysburgh in the Prince Edward District; praying that the original Survey

made by Messieurs Aitkins and Collins in the first Concession of the said Township, be established by Law.

Of the Trustees of the Longueuil and Chambly Turnpike Road; praying for authority to borrow £ 2,500, under the same restrictions and with the same guarantee as those by which they effected a former loan.

Of the Trustees of the Longueuil and Chambly Turnpike Road; praying for certain amendments to their Act of Incorporation.

(25)

Of the Honourable James Reid, and others, of the City of Montreal; praying an aid towards the erection of a Building for the purposes of a Charity School in the said City.

Of the Municipal Council of the District of Richelieu; praying that the Municipal District Ordinance, (4 Vic. cap. 4.) be amended so that the Councils may appoint their own Officers: that the Registry Ordinance, (4 Vic. cap. 30,) may be repealed or amended, and that a duty may be imposed on Foreign Agricultural Produce.

Of George Belton and others, of the London and Brock Districts; praying for protection and encouragement as Hop Growers in this Province.

Of the President and Directors of the Shefford Academy; praying an aid in support of the said Institution.

Of the Mayor, Aldermen and Citizens of the City of Montreal; praying for certain powers and privileges, in relation to the Montreal Water Works.

Of Samuel Pomfrey, of the Township of Ancaster, in the Gore District; representing that he is unable to gain a living by labour, in consequence of an injury received while firing a Royal Salute in the year 1833, and praying relief.

Of John Vandal Ham, of the River Trent, Doctor of Medicine; praying that the Peninsula of Newcastle be attached to the Township of Cramahe.

Of C. Jackson, and others, Trustees of the Charleston Academy; praying an aid for the said Institution.

Of David Mackenzie, and others, School Teachers, in the District of Brock; praying for the grant to Government Teachers for the present year which they have not received in consequence of the Council of the said District having resolved not to impose the Tax required by Law to obtain the same.

Of Alexander Findlay, and other Electors of the County of Russell, setting forth:--That in the month of September last past, an Election was held to elect a fit and proper person to represent the said County in the Legislative Assembly, at which Election Archibald Petrie, of the County of Russell, Esquire, and William Stewart, of the County of Carleton, Esquire, were Candidates, and Edward Mallock, Esquire, Returning Officer.

The said Returning Officer at the time of the said Election, and for six months next before the said Election, was residing in the Township of Nepean, in the County of Carleton, and in consequence thereof the said Returning Officer could not, according to Law, hold such Election, for by the Act passed by the Parliament of Canada, in the sixth year of the Reign of Her present Majesty entitled "An Act to provide for the freedom of Elections throughout this Province, and for other purposes therein mentioned," it is enacted "That no person except a Freeholder shall be appointed nor act as a Returning Officer, nor unless he shall have been a Freeholder during at least a twelve month next before the appointment in the County, Riding, City, Town, or Borough, for which he is appointed, and shall, during that time have resided therein."

Petitioners are fully prepared to substantiate the above allegation, and therefore pray this Honourable House to take the same into consideration.

Petition referred: Resolved, That the Petition of J. Henry Lambe, J. H. Lambe & others, of the City and Parish of Montreal, (relating to the commutation with the Censitaires of Nazareth and other Fiefs) presented to the House on the third Instant, be referred to a Special Committee, to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers, and records.
Ordered, That Mr. De Witt, Mr. L. M. Viger, Mr. Leslie, Mr. Quesnel, and the Honourable Mr. Moffatt, do compose the said Committee.

Messages from His Excellency. The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker, two Messages from His Excellency, the Governor General, signed by His Excellency.¹

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. Metcalfe.

Temporalities
Church of Eng.

The Governor General informs the House of Assembly that the Bill intituled "An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned," which was passed by the Provincial Parliament during its last Session, and was reserved by

the late Governor General for the signification of Her Majesty's pleasure, was specially confirmed, and finally enacted by Her Majesty in Council on the 23d August last.

Government House,
Kingston, 6th October, 1843.

Seat of Gov't.

C. T. Metcalfe.

The Governor General informs the House of Assembly, in reply to their Address on the subject of the Seat of Government, that he does not consider himself at liberty to lay before the House copies of the communications which have passed between Her Majesty's Government and the Governor of this Colony, relative to that subject; but that the substance of the instructions issued to him is to the effect, that Her Majesty's Government decline coming to a determination in favor of any place as the future Seat of Government, without the advice of the Provincial Legislature; and that Her Majesty's Ministers will be prepared to submit favourably to Her Majesty such Addresses on this subject as may be presented by either, or both, of the Legislative Houses, in recommendation of either Kingston or Montreal; provided, that in any Address for this purpose from the House of Assembly, the House shall pledge itself to provide the necessary supply for the expenditure which may be expected to attend the permanent location of the Seat of Government at the place that they may recommend; it being understood that the selection is now necessarily limited to one of those places; the former Capitals, Quebec and Toronto, being alike too remote from the centre of the Province, and the plan of alternate Sessions at one or the other of these last mentioned, or any other places being deemed objectionable and impracticable, on account of its manifest and extreme inconvenience; as connected with this subject, the Governor General transmits a copy of a Report from the Committee of the Executive Council, and a copy of a Protest from one of its Members on the subject thereof, which were submitted for the consideration of Her Majesty's Ministers.

Government House,
Kingston, 6th October, 1843.

(Copy.)

To His Excellency, the Right Honourable Sir Charles Bagot, G. C. B.,
Governor General of British North America, &c. &c. &c.

Report of a Committee of the Executive Council:

Present:

The Honourable Mr. Sullivan in the Chair, Mr. Dunn, Mr. Daly, Mr. Harrison, Mr. Killaly, Mr. Hincks, Mr. Lafontaine, Mr. Baldwin and Mr. Morin, relative to the Seat of Government, Messrs. Aylwin and Small being absent on public business.

(26)

Seat of Gov't.

MAY IT PLEASE YOUR EXCELLENCY,

The important question, respecting the locality of the Seat of the Provincial Government of Canada, upon which your Excellency is desired by Her Majesty's Secretary of State for the Colonies, to form an opinion with the assistance of the Executive Council, has engaged the anxious attention of the Committee of the whole of that body; and the Committee, fully sensible of the difficulties attending such a subject of inquiry, and aware of the impossibility of reconciling local interests in favour of any decision which may be pronounced, respectfully offer their advice, the result of much deliberation, and which, though not in accordance with the first impression on the mind of the late Governor General, or with the policy which directed the assemblage of the Legislature at Kingston, and the removal of the Public Departments to that place, they believe, nevertheless, to be most conducive to the public welfare, and most likely to meet with the general approbation of the people of the Province.

As might naturally be expected, the popular opinions most strongly expressed are either openly based upon the claims of the inhabitants of certain localities, to have the Seat of Government to their own City or neighbourhood, or they are traceable to local pecuniary interest, though assuming the appearance of taking public and general ground: Thus, for example, the Citizens of the ancient Capitals of Upper and Lower Canada complain of depreciation in the value of property, consequent upon the removal of the Government from these Cities. The inhabitants of Kingston set up a like claim because of their late investment of capital in building, and in the purchase of building ground, under an expectation formed by them that Kingston was to be the permanent capital. Then on behalf of Quebec, its Military strength and its possession of buildings for the use of the Legislature, are said to give that City the preference, on the arguments of security and economy. The existence of Public Buildings in Toronto, the rapidly increasing population and wealth of that City and the neighbouring Districts are urged, as public grounds of economy and future convenience, in its favor. While in Kingston, its central position and defences, and the expenditure that lately took place under the authority of Lord Sydenham, in the purchase of lands for the erection of Public Buildings, are brought forward not only as inducements for making Kingston the Provincial Capital, but as in a manner binding on Her Majesty's Government to fulfil expectations to which the acts of Government gave rise. Then in favour of Bytown, its inland position, on the boundary River, between the late Provinces, and at the mouth of the great Military Canal of the Rideau, are said to give it claims to consideration above other places, because it is comparatively safe in case of War, and convenient alike for Upper and Lower Canadians.

Seat of Gov't.

The Committee look upon the selection of a locality for the Government and Legislature, as far too important to the public generally, to permit of much consideration of the local interests of the inhabitants of the places claiming to be chosen. The convenience and advantage of the whole community are mainly to be sought, and it may be said that these are the sole objects to be served in the selection of a Capital in a country like Canada, where, as yet, no great local interests are created of sufficient importance to entitle them to regard in a national point of view. The removal of a government is unquestionably a great calamity to the possessors of property in the place from which the removal is made, and measures of change, in this respect should never be lightly adopted; but these facts only make it more imperatively the duty of the Government to be careful in the choice, and at the earliest possible period to fix the capital at a place from which the future condition of the country will not require a removal. To continue for a time any Seat of Government injudiciously chosen, exposes the place to the aggravated but certain future evil of abandonment, when the interest involved would be vastly greater than at present, and therefore while the Government is bound to avoid, as much as possible, changes in the location of a Capital, this desirable object can only be attained by a correct selection made in contemplation, not of local or temporary, but of general and abiding interests.

The union of the Provinces of Canada brings together in one Legislature and in one City those interested with the management of public affairs of a people scattered over an extensive region, and differing in language, in Laws, and in many respects in local interests. It also brings to the Seat of the Provincial Government a continual concourse of persons having private or public matters to solicit. To cause this assemblage in any portion of one section of the Province which, from its position, would place the Legislature and suitors from the other section at once out of view of everything connected with their own Race and Country, and at a distance from those whose interests they are bound to represent, and whose confidence it is essential to them to continue, would, in the opinion of the Committee of Council, prove a never ceasing source of discontent, and would promote a sense of banishment and of abandonment, which no arguments could overcome, or no advantages counterbalance. Some of this feeling is unavoidable from the fact that any Capital in Canada must be at a great distance from the extremities of the Province, and those at a distance from the scene of Legislative deliberation and Executive action, will always imagine their interests more or less overlooked or their opinions slighted; but dissatisfaction of this nature must be very much aggravated if Legislation be carried on in a locality where neither the language, laws or manners of a large portion of the community prevail, or are known, and where the actual condition and requirements of that part of the population

cannot be observed, and can only be learned upon statements liable to be denied or controverted; could no common locality be found on ground equal, or nearly so, to both parties, a great obstacle would be offered to the success of the measure of the Union; for the Committee think that one or the other party would continue discontented, and would suffer under a sense of injustice and oppression most injurious to the Government, and inimical to the tranquillity of the Province. To find the place which leaves the least foundation for complaint on any side, has therefore been the object of the Committee of Council in the present inquiry, and it is one which they think ought to be paramount to all others.

Quebec it is true, has its fortifications; it is the mart of the Timber Trade, in which a portion of the People of Upper Canada are connected; it has Houses of Parliament already constructed, which might temporarily answer for the meeting of the Legislature, and part of which would serve the same purpose in future; and it is not materially different in climate from most other parts of the Province. But its distance from Upper Canada, its want of equal commercial connection with the Upper Province, except as regards one branch of trade, the little personal common intercourse between its Inhabitants and people from the western portion of the Colony, form in the opinion of the Committee, strong objections to its being chosen as the Seat of Government. Upper Canadians having business to transact with Government, or who are engaged in public affairs, would feel themselves forced to go to a distance from their Country to a place where everything would appear strange, and where even the distance from, and expense of communication with, their own Section of the Province, would be considered unnecessary inflictions. Toronto

(27)

though a flourishing and rapidly rising City, situate in a fertile Country, and having a large extent of territory in its rear, peopled, and in the course of settlement, has nevertheless little interests in common with the Lower Province, unless as a place through which its Commerce must pass, and its strangeness to Lower Canadians, would ever be greater than would be felt in Quebec, by people from Upper Canada, whilst its distance from Eastern Canada would cause many and constant inconveniences, too great to admit the continuance of the Capital there. Kingston, it is true, is somewhat nearer to a central position, but its importance, except as a Military Post, depends mainly upon the forwarding trade; and not having an improved back country, its progress has not been rapid, notwithstanding its being one of the most ancient Towns in the Province, and favoured by the presence of large Naval and Military establishments. The coming of the Government caused improvements, which however, must be limited to the wants of the influx population consequent upon that occasion. It is

close upon the American Frontier; many of its supplies are taken from the United States, and the inhabitant of Lower Canada feels himself alienated from his own people as much in this City as he could well be anywhere in Canada; while it is not a place in which any considerable number of the inhabitants of Upper Canada, besides its own citizens and the country in its neighbourhood, have any interest. It is not surprising, therefore, that when the question was discussed in the two last Sessions in the Legislative Assembly, a very large majority of Members declared decidedly against Kingston. Of Bytown it may be said that is comparatively safe from attack in the interior; that when the country of the Ottawa comes to be settled, it promises to rise into importance, and that it is situate on the Provincial Boundary, but then its position makes it inconvenient both for Upper and Lower Canadians; it is, in fact, out of the way of both; and thus possessing disadvantages which would be equally felt by both divisions of the Province, it would, probably, unite both in one feeling, and that not in its favor.

The Island of Montreal was chosen as the site of a great City by the French Government in the early times of the Colony. In making this choice, the acknowledged sagacity and foresight displayed by the officers of that nation, in their selection of positions, for either Civil or Military occupation, along the course of the Saint Lawrence and down the Mississippi, in a country then a Forest Wilderness, was scarcely required when Montreal was designated as a future City. No discoveries of localities claiming to be equal, no development of the vast resources of later times, no improvement in Canal Navigation, and not even the discovery and use of Steam, which in other instances have set at naught the calculations of the wisest and most profound of early politicians, have made any change in the prospects of importance of Montreal, except as they have confirmed and advanced all prognostications of its future greatness. Situate at the head of navigation from the Sea, and at the foot of the River and Canal Navigation, not only of Canada but of North Western America; Montreal has long been the Commercial Capital of the Province, and bids fair to be the Mart of Commerce of a large portion of the vast North Western country of the American States. It is not merely a City through or by which the Commerce of the country passes, but it is the depot and place of exchange of that Commerce, and consequently it is beyond all comparison the centre of the wealth of Canada, a wealth not derived from any partial or changeable source, but flowing to it alike from the Atlantic, from the distant Western Lakes, and even from waters whose natural outlet is to be found at New Orleans, but which by means of Canals have been made to communicate with the Canadian Lakes, and to bring contributions to the favoured City of Canada. Ships from the Ocean and Vessels from

the interior lie together in the port, and men from all quarters meet there in the ordinary course of business. Montreal has no concern in the sectional jealousies of the different positions in the Western Country, but it is impossible to imagine an improvement in the condition of that country, by which that City is not benefited, while, on the other hand, the Upper Canadians having little to do with the affairs of the other Ports of Lower Canada, have a deep interest in Montreal as their own Sea Port and their own Market; Montreal is therefore essentially a City of both the late Provinces; one in which each claim an interest, and it is moreover a City familiar to Upper Canadians as it is to the inhabitants of the section of which it forms a part; it is the place of all others in which to study the statistics and politics of the whole of Canada,--in which there is the least chance of partial Legislation, or of the interests of any part of the People of the Province being overlooked or disregarded.

There can be no stronger proof of the correctness of these opinions, than the claim set up by the Inhabitants of the Western Country, long before the Union, to the City of Montreal, as a place built up with the result of their industry, and sustained by their Commerce, but of the resources arising from the wealth of which they were deprived in consequence of that City forming part of a different Province. That the lower Canadians resented and resisted a proposition for the dismemberment of their Country, and the loss of their chief City, is undoubted, and surely this contest for a place in which both claimed a deep and obvious interest, shared by no other locality, ought to be conclusive evidence in favor of the disputed position, when the inquiry is made, where shall be the United Capital of these contending Provinces? That the Capital of the United Provinces ought to be placed in the position which would enable Upper Canadians most effectually to look after the concerns of their own sea borne and outward trade, and in the place in which Lower Canadians can most effectually investigate and control the internal management of communications, of which they share the expense, and in the advantages of which they expect to share, appears to the Committee of Council almost an indisputable proposition. That Montreal possesses these advantages is not to be disputed, and that there are facilities afforded to a Government resident in Montreal of closely and constantly ascertaining what is for the Public advantage of the whole community, and what is the true bent of Public opinion, superior to any offered by rival Cities claiming the choice of the Government, the Committee think is equally apparent. All the advantages of common and universal interest in one locality are, in the opinion of the Committee, found in Montreal, in a superior degree to those existing in most Capital Cities, and therefore they feel bound, without giving much weight to local claims, or to desires naturally entertained of political preponderance in either section of the Province, to tender to Your Excellency their respectful advice

to recommend to the Queen the choice of Montreal as Her Majesty's Canadian Capital.

The Committee further beg leave to suggest that although it is for Her Majesty to declare Her Gracious pleasure upon this subject, yet in whatever place the Seat of Government shall be fixed, heavy expenses will attend its establishment, which have to come through the vote of the Legislature, and they have no doubt but that it would be gratifying

(28)

to Her Majesty, as it would to Your Excellency and Council, to see the necessary expenditure cheerfully and cordially undertaken, and borne by the Provincial Parliament. And the Committee need not say how much it would mortify them to see any serious difference of opinion in the Legislature on such a point. The proceedings in the two last Sessions of Parliament would, the Committee apprehend, indicate such a difficulty, to an extent which would make an application to Parliament almost hopeless, were Kingston to be continued, or any of the places which put forward their own claims, chosen, and they are of opinion that although the Citizens of Montreal appear to take little interest in the Question, as they might be personally affected by its decision, and although in fact that City is so full of other resources, as to account for the indifference of its Inhabitants, to the acquisition of the character of a Political Capital, yet the advantages to the Public generally appear so plain, and the general objects in view in the choice so defensible, that they have the strongest hope of a concurrence in the selection by the Legislature, and of the avoidance of the difficulties which any other would probably occasion. In favor of which soever place Her Majesty may be pleased to decide, the Committee of Council would respectfully suggest that the interests of individuals are suffering, and will continue to suffer, by any delay in the final decision. The popular mind is also kept more or less unsettled and agitated on the question, so as to affect other politics injuriously. When once the Provincial Capital is definitively chosen, bad feeling on the subject will cease, and common favorable interests will be awakened. The more quickly the intention of Her Majesty shall be carried into execution, the sooner will its beneficial objects be understood and admitted. And should Your Excellency be pleased to agree in the recommendation of the Committee, and should Her Majesty be advised to concur in the measure of fixing the Capital at Montreal, the Committee think that facilities for a very early removal of the Government thither can be found in that City, and the accommodation offered by its extent and position, as well as by the possession of Public property there, available for the uses of the Government.

The urgent necessity for an immediate decision and for early action thereupon, is further shown by the approaching want of funds

to pay the rents of the Public Buildings and the Government House occupied in Kingston. An application to Parliament for those funds would bring on the question respecting the Seat of Government in its most embarrassing shape. The buildings occupied for Public Offices and for Parliament in Kingston, are, moreover, totally unfit for the purposes to which they are temporarily turned. The Members of the Legislature have been put to the greatest inconvenience for the want of a tolerable building in which to hold their Sessions, and the facilities for the erection of buildings in Montreal, and the superior cheapness of their construction at that place, give it advantages in an economical point of view, which would more than counterbalance the value of any Public Edifices that exist either in Quebec or Toronto.

All which is respectfully submitted.

By order,

(Signed,)

R.B. Sullivan,
Chairman.

Certified, E. Parent, C.E.C.

Council Chamber,
Kingston, 16th March, 1843.

Protest. (Copy.)

Mr. Harrison, as a Member of the Executive Council of Canada, present on the 16th instant, in a Committee of Council, when a minute was agreed upon, by which the Committee advise the transfer of the Seat of Government of Canada from Kingston to Montreal, feels it to be his duty to communicate to His Excellency, the Governor General, that he has not concurred in the Minute of Council above referred to.

Anxious to avoid every possible cause of embarrassment, and feeling satisfied that all the political arguments upon every view that can be taken of the subject have been fully exhausted, Mr. Harrison refrains from entering into any statement of the process of reasoning by which he has been led to the conclusion at which he has arrived, and therefore contents himself with making this communication to His Excellency.

Kingston, 20th March, 1843.

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Harrison, that two thousand five hundred copies of the Message of His Excellency, the Governor General, in answer to the Address of this House, on the subject of the Seat of Government, and

*of the accompanying Documents, be printed in each of the English and French languages, for the use of the Members of this House.*²

MR. HARRISON said that in rising to second the motion of his hon. friend, he had a duty to perform to himself and the public, arising from the peculiar position in which he was placed. He regretted that he stood in that position, which has been made known to the House by the message just read, and which renders it necessary to himself and to the public that he should go at some length into the details of the circumstances that had led to it. It would be in the recollection of that House that during the last Session of the Legislature a vote was passed by which it was declared that Kingston was not a proper place for the Seat of Government. He had then freely and fully expressed his opinions upon the question. He had then, and always, maintained that the seat of government should be within the bounds of Upper Canada, and that he saw no valid objection to Kingston. He was of the same opinion still. He could have wished, from feeling and inclination not to have entered minutely into a detail of the circumstances that have transpired since that period - but in order to give the necessary explanations, he felt that he must do so; and he regretted that His Excellency had not been advised to lay the Dispatches more fully before the House. He did not fear that when the public were made fully aware of all the circumstances they would see that he had acted correctly in the course he had taken, and give him full credit for following his conscientious convictions of public duty. He could not help feeling that nothing could possibly be productive of more injurious effects than the referring (sic) of the question of the seat of Government to that House. He did not think that any decision could be come to satisfactory to all parties in the country - and it was his sincere desire that it should have been settled by the exercise of the Royal Prerogative. He admitted that Her Majesty had a perfect right to remit Her Prerogative to the Provincial Government and the Legislature, upon this question, and he had no doubt but it would be honestly exercised by them, according to their convictions of public duty; and when he gave credit to them, he claimed for himself credit for the sincerity of the motives and feelings which actuated him in taking a course different from his late honorable colleagues. (Hear,hear.) The question could not be satisfactorily determined here - and our attempting to do so might occasion greater difficulties and evils to the Province than the Home Government at present foresaw. He admitted, however, that it need not necessarily do so. It did not follow that those preferring either Montreal or Kingston as the place for the Seat of Government should have a bitter feeling towards each other, but he feared this would be the effect produced by the attempt to settle the question by the Provincial Legislature. He thought it would naturally engender a feeling that would be the cause of the deepest regret hereafter; in this case two parties sought the same object, they might do so honestly, and with all due regard to the feelings of others, but it would naturally awaken hostile feelings, and

array one portion of the people against the other. The mere fact of this question being referred to a body such as this is, where all are more or less under the influence of sectional feelings, would prevent the satisfactory adjustment of it, and create the differences and evils to which he (Mr. Harrison) had referred. He thought the Imperial Government should have settled the question - they could have judged it upon its own merits, without reference to any sectional feelings or private interests and all would have concurred in, and rested probably satisfied with their decision. By the course, however, which this question had taken, he (Mr. H.) was placed in an unfortunate position, and in entering into an explanation of his conduct, he regretted that it might lead him to be more egotistical than he desired. When the question was brought forward last Session, it was determined to refer it to the action of the royal prerogative, this, however, had not been exercised and it had been referred back again to the Provincial Government. His colleagues in the Executive Council had taken it up and come to a decision in which he could not concur. He felt willing to give them the fullest credit for their honesty of purpose, for following their conscientious opinions upon the subject, nor was he prepared to undervalue the force of the arguments that had led them to the conclusion at which they had arrived. They had a right to all due credit for the honesty and rectitude of their course, but he could not acquiesce in their decision, and felt that he could not support them in a measure of which he disapproved. There was then only one course left him, and that was to tender his resignation to the head of the Government. It might be asked what difference existed between the state of the question in March last and now ? then the proposal was made to the head of the Government for the removal of the Seat of Government to Montreal. His (Mr. H.'s) opinion was then avowed, and he had a right to make such avowal, - and his course upon the question was consistent with the opinions he had always expressed. The effect of this difference with his colleagues, with whom he agreed upon all other occasions, was the determination to leave it an open question, and for some time it remained so. It was then referred to the Imperial Government which should have acted upon it, and if so they would have had the report of the committee of the Executive Council on the one hand and his protest on the other. Had they, (the Imperial Government,) taken that course the question would have been easily settled, but they did not do so, but had adopted a course which would lead to injury and misery to this Province, - he said so advisedly, and those now heard him who would live to see the effects it would produce. Since March no alteration had taken place in the position of the question, until immediately before the opening of the Session when it was to be referred to the decision of this House, and limited to two places Montreal and Kingston. The question then came how the matter was to be dealt with ? Seeing Her Majesty's Government had taken no side, and left it to the decision of this House, it then came to be a question what course was to be pursued. It was anxiously and

deliberately discussed, and he regretted to say it was determined that it should be a Cabinet question. He thought his colleagues were wrong, he thought so still. But whether it should have been left an open question or made a Cabinet question was for those to determine who had to act upon it; he left the discussion to them - he left it to them to determine, they did so, and he gave them credit for an honest course, though the effects had fallen upon him. It being no longer an open question upon which any member of the Cabinet might take what course he pleased, there was only one course left for him - and that was to tender his resignation; this course he did take and as an honest man he could not have done otherwise. There were two other topics which he felt in duty bound to mention. In the first place he wished it to be distinctly understood, that his resignation of office had nothing whatever to do with the saving to the Province that might result from it.³

Nothing whatever, from the treasury benches.⁴

He ((MR. HARRISON)) took that opportunity of noticing this, because a report had gone abroad that his resignation was the necessary result of a determination to dispense with the services of one of the Provincial Secretaries. It was well known that he had always been an advocate for only one Secretary, and he quite approved of the course taken by his colleagues in not filling it up, and he would support them to the utmost. Upon this question of the Seat of Government he was opposed to the Provincial Government, but there was not another, involving any of the great interests of the country, upon which he differed with them, and he was ready to support the measures that he had assisted in preparing. Upon the whole policy of the Government there was no difference of opinion between him and his late colleagues; and he had felt much regret at differing with them upon this, but he thought them wrong, and it might yet appear that he was right. Again he would take this opportunity of remarking, that there was a motion had got abroad that there was some sort of understanding between him and the Government, there was nothing of the sort.⁵

There is not, from the treasury benches.⁶

It was satisfactory to him ((MR. HARRISON)) to know that his opinions upon the subject had tallied with the interests of his constituents, and that he had been able to take a course in which they would bear him out. Had it not been so - had he been able conscientiously to take a different course, then he should have felt it his duty to have resigned his seat for Kingston. He did not expect that his observations would allow of any discussion. He purposely avoided bringing forward any topics that might do so. When the question came forward before the House then would be the time to enter upon it, when all prejudice should be discarded, and the question discussed calmly and temperately, and upon its own merits.⁷

Hon. MR. BALDWIN said he could assure the hon. gentleman who had just sat down that no slight pain was felt at being under the necessity of differing from him, and whilst he gave him full credit for integrity of purpose in the course he had taken, he claimed the same credit for himself and colleagues. The course taken by the Provincial Government upon this question was not of their own seeking - they had not desired the settlement of the question to rest with them, the document just read to the House shewed that they did all they could to avoid it, and had wished it to be disposed of by the Imperial Government. He felt all the evils that might arise from it, but it was imposed upon them by Her Majesty. It was a question of prerogative and he wished it to have been dealt with accordingly. They, however, had been called upon to settle it by Her Majesty's Government, and they could not refuse whatever might be the consequence, they had been forced step by step into their present position, and called upon to express their views, and like honest men they have done so. The hon. gentleman had spoken of the question as one which should have been left open, and explained his views of an open question. Had it been left an open question it would have been a bad sign of strength in the Administration, and productive of inconvenience to the country, for those and other reasons he was against making it an open question; and he was sure that his political opponents had no reason to object to the Government taking all the responsibility of the measure upon themselves, for open questions would free it from responsibility and lessen their chances of obtaining power. Was this a question to be left in that position? Let us look at the nature of it. After all it was a question of prerogative, we had just to express our views upon it to the British Government, but that did not interfere with the exercise of the royal prerogative. Then if it had been left an open question what a handle would it not have given to our political opponents to exult in our incompetency and weakness, and boast that we were not in a condition to give advice to Her Majesty. Although it may be only a question of prerogative, still we should be in such a condition as to be able to offer advice. There was another important consideration against making it an open question. In the conditions contained in the message read to this House, money had to be voted for defraying the necessary expenses attending the erection of public buildings. When such a condition was attached, it was absolutely necessary to take up the question which sooner or later must have been taken up, and why postpone it? When the money must soon have been voted for public buildings at all events, what would have been said if we had not taken it up? Only that we shrunk from it - we, who claim the confidence of this House and of the Country - we had not the courage to take up the question and only did so at the last moment, and when driven into a corner. The hon. and learned member has represented the question as one between Upper Canada and Lower Canada. No one could deprecate it being looked upon in that light more than he (Mr. B.) did. It was not a question between one section of the Province and another, it was a Provincial question, and no one who

classes himself as a statesman or patriot should look upon it in any other light. If any place could be determined upon as a suitable location, there let it be placed, but in God's name let it not be made a sectional question - a question between one portion of the people and another. If the hon. member wished to cast fire brands among the people to sow the seeds of strife and dissention, then let him look at it in that light. He (Mr. B.) was an advocate for the Union, not that he approved of all the clauses in the Union Bill, but since the Union had been established it was beginning to be satisfactory to both sections of the Province, and he believed Her Majesty's subjects in Lower Canada were beginning to feel that it will be productive of benefit to them. But if it was to be made such a question as the hon. member for Kingston had referred to, what would be the result? It would create jealousy and dislike between the two sections of the Province and that man lays himself under an awful responsibility who should aid in producing such a deplorable state of things. He entreated all who desired the Union, not for the purposes of obtaining exclusive advantages, but to benefit the whole Province, to pause before they struck a blow at the Union that may shake it to its foundation. He believed those who talked thus did not see the danger, or look at it in this light; and he beseeched them before they took such a step, to weigh well the consequences that it would produce. Talk of a repeal of the Union, as if this would be the only effect; only look at the case. It might not only lead to a repeal of the Union, but to a complete disorganization of all the parties in this House.⁸

((SIR ALLAN MACNAB cried:)) Hear, hear.⁹

((MR. BALDWIN continued.)) The hon. and gallant Knight cried "hear;" yes, and well does he know it, and to this he points; and he wondered that his friends from Upper Canada did not see the attempt that would be made thus to divide the party that supported the Government, in order that they might obtain political power, and that the Government of the country might be under the plastic influence of the hon. and gallant Knight. Can any one fail to see that he does not contemplate these as the effects of destroying the Union? And he could not help looking upon the prospect with horror, of having the country once more distracted, and the Government in the hands of those who have already inflicted so much injury by their mal-administration of public affairs. There was nothing of more interest in the Upper Province than the preservation of the Union, and nothing more likely to shake it than voting for Kingston as the place for the Seat of Government. This was his deliberate conviction after having calmly considered the question in all its bearings. He wished his hon. friends to reflect, if this question be treated in the manner alluded to, and as the hon. and gallant Knight would wish, as a question between Upper and Lower Canada - how the case would stand? In this House there are 84 members; the one half belongs to Upper Canada - the other to Lower Canada. Some of the members for the Upper Province would vote for Montreal, there-

fore there would be a majority, but the moment the question were taken up as one between the Upper and Lower Province, dissatisfaction and heart-burnings would arise, and a call, on the part of some, for the repeal of the Union. He would have hon. gentlemen to consider the question gravely before they took this step, which they would have occasion to regret when it would be too late to redeem themselves. He had only now to confirm what was stated of his hon. friend, respecting the rumours to which he had alluded, and which he had not heard of before. He had said that it was rumoured that there was an agreement or understanding between him and his colleagues upon the subject of his resignation. There never was such an agreement - a thing which would be equally inconsistent with his character and with that of every member of the administration. There were no grounds whatever for such an implication. The other reason, said to be assigned for his resignation, was equally unfounded. The subject of reducing the number of Secretaries, had been for some time under consideration, and as the hon. gentleman had informed the House he advocated the measure, but this had nothing whatever to do with the step he had recently taken. This Mr. B. felt was not the time for entering fully into the discussion of the question as to where the Seat of Government should be located, but it was a proper time to shew the reason why it had been made a Cabinet question, and to point out the danger of making it a sectional one - one between Upper and Lower Canada. When the proper time arrived for discussing the former question, he (Mr. B.) hoped he would be prepared to state the reasons fully, which had guided him and his colleagues. These remarks he thought were called for upon this occasion, and he hoped hon. members would reflect upon the subject well before they adopted a course that might be productive of the worst consequences to this Province.¹⁰

MR. JOHNSTON regretted that the Member for Bytown, was not in the Cabinet at the time when the opinion expressed had been formed that he might have spoken better of it. He (Mr. Johnson) was of opinion, that the House ought to be dissolved before they were called upon to vote upon the question, in order that the wishes of the people might be known upon the subject. It would be seen then, who would be returned; and he (Mr. Johnston) felt convinced, at all events, that they, (the opponents of the measure) would carry it by a handsome minority (Hear, hear, and laughter).¹¹

MR. CAMERON said that as he thought this the most important question of the Session, and as his own name had been mixed up with it, he felt called upon to make a few remarks. He had heard in the month of July that this was to be made a Government question, and as he held a Government office, he thought it necessary to intimate to the Government that he could not vote for the Seat of Government being removed to Montreal. Again, when he heard of the resignation of Mr. Harrison, he intimated to a member of the Government his wish to

follow his steps. This he looked upon as his only true course. He was then told that the question was not yet before the house, and that it would be time enough for him to act when it was so. He would now make a few remarks upon what fell from the hon. Attorney General, because he (Mr. C.) thought that he had shifted the true grounds of the question, and laid the responsibility upon those who took a different view from himself. It was said that the Seat of Government was brought here, without the wishes of the people, at a time when Lower Canada was not represented. It was said they had no voice in the matter, (no,) and that now it has a Government. The Upper Province had a Constitution, and when the representatives consented to the Union certain conditions were attached - ("no," "no") - and one of them was that the Seat of Government should be fixed in Upper Canada. He was an advocate for the Union of the Provinces, and valued it as highly as the hon. Attorney General. He regarded it as necessary to restore our credit; but in 1840, Lord Sydenham, when the Union Bill was before the house, had assented to the conditions proposed by members of that house, that it should be in Upper Canada. He thought it should not be made a question between Upper and Lower Canada, but should be decided upon broad and general principles. - Looking at it in this point of view, there were many reasons in favor of its present locality. One of these was its central position. He believed that in a geographical point of view, Kingston was the most central place in the Province and if it be so, and if the great bulk of the population be settling West of this, he could see no reason for removing it 180 miles lower. The hon. Attorney General has also alluded to the public expenditure. He (Mr. Cameron) had no intention of entering into all the reasons in behalf of Kingston as the Seat of Government, because some future occasion would afford a better opportunity, but he would say that there was no place where less public expenditure would be required than at Kingston. The hon. gentleman had depicted the evils likely to flow from the agitation of this question; if those evils should arise - if the Union should be broken up - the whole responsibility will rest with those who have now promoted that agitation.¹²

MR. SHERWOOD felt that it was not exactly the time to discuss the question. He did not think there was any reason for the hon. Attorney-General to raise the bugbear he had attempted to do, and make such an appeal as he had done. He rose to express his concurrence in what had fallen from Mr. Harrison: he thought her Majesty had no right to surrender her prerogative; it belonged to the people, and he denied the right of giving it up. This House had asked for the correspondence with the home government, but that has not been sent. He had no doubt that the Governor-General was guided in this by the opinion of his advisers. There was nothing tangible in the message that had been read, nothing that could enable the House to understand the true position of the question. True, it was stated that her Majesty had given to this House the prerogative of settling it between two places -

Kingston and Montreal: the question was one in which the interests of the province were deeply involved, and they should possess all possible information upon it. They were entitled to know the opinion of the Secretary of State, and of Her Majesty's Government; and then they could, if obliged to settle a question vested in the prerogative of the crown, act with much more satisfaction to themselves and justice to the country. He concurred in the reasons advanced by the hon. and learned Attorney-General for making it a Cabinet question, if it had to be settled by this House. But he contended that they were not yet in a position to come to the discussion of the subject, and that steps should be taken to obtain the information which Mr. Harrison said he had not been given. He thought the House had not been fairly treated: he hoped some steps would be taken to obtain all the information which he (Mr. S.) would require before he was in a position to vote. He would not enter into the merits of the question at this time; when it came before the House he would be prepared to express his opinions.¹³

CAPT. STEELE thought the whole proceedings of throwing the responsibility from one to another altogether un-British. The Attorney-General had appealed to the representatives of the Upper Province, but he had not to those of Lower Canada. He (Capt. S.) had not as yet made up his mind how to vote; he thought they should have all the documents from the Imperial Government to aid them in the discussion, and in arriving at a proper conclusion.¹⁴ (Hear! hear! and laughter.)¹⁵

DR. DUNLOP said he had been taken by surprise. He had first heard of the agitation of the question in passing through Toronto, on his way here. The argument that the French, while here, were in a strange land, was one that would cut both ways. Something had been said about climate; if there was any preference in this respect, Kingston had an advantage over Montreal, as the farther south and west we were in Canada, the better the climate was; and as to the talk about Canals concentrating everything at Montreal, if these Canals did not do away with that concentration, all he had to say was that they did not accomplish that which they were expressly built for. It was expressly understood at the time of the Union, that the Seat of Government should be in Upper Canada, and he should like to see an appeal to the country before any removal would take place.¹⁶

MR. HINCKS said, the hon. member for Toronto had complained that the despatches were not sent to the House, and that he was not in a position to come to a decision: he thought the message contained every information that hon. gentlemen could desire. The hon. gentleman had all the information that he (Mr. Hincks) had upon the subject, and it was not to be supposed that His Excellency the Governor General would keep back any information necessary for the guidance of this House. The document expresses the wishes of the Imperial Government that the question should be settled by the Provincial Legislature, and again that the decision should be made between Kingston and Montreal. This he (Mr.

Hincks) considered to be as much information as was required. He did not mean to go at present into the merits of the question, but there were one or two points upon which he would make a few remarks. The hon. member for Lanark, and others, had said that there was a pledge given to keep the Seat of Government in the Upper Province. By looking at the Journals of the House they would find that there was nothing of the kind. By referring to the address adopted by the Upper Canada members containing the terms upon which the Union was assented to, there is nothing whatever about a pledge. (Here the hon. member read a passage from the Journals of the House.) In this there were three conditions mentioned. First, equal representation for both sections of the Province. Secondly, the grant of the Civil List for the public expenditures; and thirdly, that the debt in the Upper Province should fall upon both sections of it. Upon the discussion of the question he knew that some ((were)) opposed to it upon any terms, and others feared the result unless certain details should be settled; but he denied that ever any pledge was given to retain the Seat of Government in any particular place. He had only to say for himself and other members of Upper Canada, that the substance of the address was not concurred in by them, and that they had no confidence in the House of Assembly, by which it was adopted.¹⁷

"Order" from MR. SHERWOOD.¹⁸

He ((MR. HINCKS)) had been told by the hon. member for Kingston that all would have willingly acquiesced in the decision of the Imperial Government. Why then, if they would be so willing to acquiesce in its decision in favour of Montreal, should there be so strong a feeling existing in the assembly whilst the majority were in favour of it? It would argue little for the people, if they were willing to acquiesce in the decision of the Imperial Government, and be dissatisfied with the very same decision of the Provincial Legislature. The hon. member for Kingston said they would have cause to regret any change in the Seat of Government - that it would engender bad feeling throughout the Province, though he said, if the Imperial Government, had settled it at Montreal all would have agreed to it. He confessed he could not understand this. When the Home government considered it a question of such Importance that it ought to be settled so as to produce as much satisfaction as possible for all, he thought that the people should rest satisfied with the decision of the Provincial Legislature. The feelings of the people of the country are not so decided upon this question as has been asserted and there were a great many questions that would be brought before this House upon which more differences would exist. It had been said that there should be a dissolution of Parliament, and that the sense of the country should be taken upon it. He Mr. Hincks was perfectly willing and ready to go back to his constituents upon the question; but it would be a bad thing to agitate the country at present. He could only say that if his constituents were capable of rejecting him,

because he was willing to give to the Lower Canadians that measure of justice which he should expect from them under similar circumstances, then he ((was)) willing to abandon politics and retire into the seclusion of private life. Such reasons can be given for the decision to which the government have come upon this question as will satisfy the great majority of the people of the correctness of their course. Is it not the most palpable injustice to place the Lower Canadians where they are in a state of complete banishment where few understand their language, and where they have little in common with any portion of the people? This he (Mr. Hincks) felt most strongly upon a late occasion, when he heard one of the most eloquent speeches ever delivered in that House, the effect of which was completely lost, from the circumstance of only a very few understanding it. The public wish to know what is going on, but not a word spoken by the representatives of one important section of the people goes forth. We have been legislating here for the last three years, and the people had had no means of knowing what has been going on. The Attorney-General had made a very strong appeal to the members of the western province who act with him, to beware of committing themselves to a course that would be injurious to the country or of viewing the question as a sectional one; this would be productive of many evils, and he hoped it would be avoided as much as possible. The hon. member spoke at considerable length and concluded by saying that those members who were raising such a clamor wished to make political capital, so that they might obtain the sweets of office.¹⁹

MR. CARTWRIGHT said that different stories were told by the Member for Kingston and the "Eminent" Inspector General. One said that the substance of the despatches had been conveyed in the message - the other that much had been kept back. He (Mr. Cartwright) was the author of the Address just read; he was an opponent of the Union - some of his most fearful anticipations had been realized since the passing of that Act, and the rest were about to follow, to seal the doom of the people of Upper Canada. The people of Upper Canada were assured by Lord Sydenham that the Seat of Government should remain amongst them; he had that opinion from Lord Sydenham himself.²⁰

Here MR. LAFONTAINE shook his head.²¹

((MR. CARTWRIGHT continued.)) In Lord Sydenham's memoirs just published, this fact was admitted. It might be said the people of Upper Canada were wrong in relying upon the good faith of the British Government; and if the Seat of Government were removed, it would seem that they were wrong, and little reliance would hereafter be placed in a quarter, in which, hitherto, the most unbounded confidence had been reposed. He contended that the people of Canada ought to be appealed to, on this most important matter; and without such an appeal, any arrangement would be looked upon with dissatisfaction and mistrust.²²

MR. LAFONTAINE here rose ... and said he wished the name of Lord Sydenham never to be mentioned in that House! The less that was said about that gentleman and his promises, hereafter the better.²³ ((Then)) after making a few general observations upon the subject under discussion, ((he)) asked Mr. Harrison whether he was not pledged to vote for Kingston? If that was not a part of the conditions upon which he was elected as its representative? He regretted to put this question, but he wished the truth to appear.²⁴

MR. HARRISON said that he was not directly pledged to vote for Kingston as the Seat of Government. No doubt as far as the wishes of the people were concerned, he was bound to support Kingston. In this view he looked upon himself as pledged, and he had redeemed it.²⁵

MR. ROBLIN regretted that this firebrand should be thrown amongst them again. It was perfectly evident from the votes taken last Session, and there was no place under Heaven a majority of that House would agree upon. - Her Majesty had no right to deprive herself of her royal prerogative, when she did so, she had no right to confine the choice of that House to two places. This House is not a proper tribunal to decide it. We had seen, that one hon. gentleman's independence had sacrificed £ 1200 per annum. Was it likely that when a majority of the Cabinet had decided on Montreal, that others would do so - it was not. This was forcing the question. The question should be decided by the Imperial Government, and by it alone. When children quarrelled, the parent always settled the dispute. The removal of the Seat of Government to Lower Canada, would create a feeling in Upper Canada that would never be allayed; and he warned hon. gentlemen to beware of the consequences in time. When the subject came properly before the House, he should be prepared to enter in the subject fully, and to do his duty to himself and his native country.²⁶

MR. VIGER denied that centrality of position was any thing in favor of a place. Was London the centre of England, Dublin the centre of Ireland, Paris the centre of France? No, none of the Capitals of Europe were the centres of their respective countries. Capitals were always found to be in the most important cities.²⁷ Was Washington central? In Montreal (were the Government permanently fixed there) the British would have quite as much weight as the French Canadian population.²⁸

MR. AYLWIN was sorry to obtrude himself on the House at so late a stage of the debate. Last Session the House had recorded its deliberate opinion that Kingston was an unfit place for the Seat of Government. It was true that the Imperial Government had a perfect right to settle this question, and place the Seat of Government at Sandwich if they thought fit; but they had submitted it to the Legislature, in full confidence that they would decide as was best for the general interest of the country. It was unjust to say that that House was unfit to do so - that it was

impossible for this body to settle the question. He (Mr. Aylwin) would not believe that sectional interests would so actuate hon. members as to make this subject an apple of discord. They must view it as Canadians - as united Canadians. Hon. members had said the communication on the subject was not sufficiently ample. They had freely and fully given the opinion of the administration, and there was no attempt to evade the question down to the present time; but it was necessary that caution should be exercised when furnishing information to the House.²⁹

SIR ALLAN MACNAB said he was not there to defend Lord Sydenham; the hon. members on the other side of the House knew more of that nobleman than he (Sir Allan) did. He was the author of Responsible Government, which they professed to carry out, and some of them had been his legal advisers.³⁰ ((He)) did not think the house had been well treated in the sending down such a message as that which had just been read. The question was one deeply interesting to this Province, and the people of Upper Canada were fully alive to it. He thought when an address was presented to His Excellency, praying for copies of despatches, that such a document should not have been sent here; it was merely the opinion of a committee of the Executive Council, who could add what they pleased, or refuse to admit what did not suit their purpose. Was that the thing which had been asked for? It was not. The members of the Council were in that house, and ready and well able to give an opinion, but when in the quiet of the Council office, perhaps they had fancied they could make out a better case.³¹ ((The address)) had been sent down to forestall public opinion, and the Treasury bench wished 5,000 copies printed for that purpose alone. Lord Sydenham had pledged himself in regard to the Seat of Government, but the hon. Attorney General (East) said Lord Sydenham's name ought not to be mentioned in that House. He (Sir Allan) could not consent to the printing of 5,000 copies of the document before them, in order to throw dust in the eyes of the people.³² He thought it was treating the house disrespectfully, and that he would not be going too far in pronouncing it a breach of the privileges of the House. (Here Sir Allan read the Address presented to His Excellency.) He thought it was a matter for the consideration of the House - it was a serious matter, but he was not to express an opinion how far it affected their privileges. He did not wish to enter more into the subject at present, but he would say that he had never known a House of Assembly so treated. (Hear.)³³

MR. BALDWIN said that the gallant knight, no doubt inadvertently, had fallen into a mistake which he wished to correct. The address presented to his Excellency did not call for all the despatches, but for such despatches, or parts thereof (sic), as his Excellency should think proper to lay before the House. Here the hon. gentleman read the address confirming this statement.³⁴

SIR ALLAN MACNAB made a few remarks.³⁵

MR. MORIN deprecated the question of the Seat of Government being the subject of a general election. Lord Sydenham had made no positive promise in regard to it, as it could be shown from public documents, and if he had done so, it was only to one section of the Province. The other and larger had not been consulted; it was unjust to give one party all their own way. Mr. Morin thought it of interest to know the opinion of the executive. The whole history relative to her Majesty, of her own free will, having left the decision to the legislature had been given, and what more could be desired?³⁶

MR. JOHNSTON said, he had no desire to wage war against his friend the Queen's printer, the Member for Bytown, but to satisfy his conscience he would move ... to postpone the resolution.³⁷

(28)

Mr. Johnston moved, seconded by Mr. Dunlop, that the further consideration of the said motion be postponed until the fullest information can be procured, agreeably to the Address of this House of the third instant.

The question having been put on the said motion, a division ensued, and it passed in the negative.

The question being then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS:

Messieurs. ARMSTRONG, BALDWIN, BARTHE, BERTHELOT, BOUTILLIER, CAMERON, CHILD, CHRISTIE, CRANE, DALY, DE WITT, DUNN, FORBES, GILCHRIST, HARRISON, HINCKS, HOPKINS, JUDAH, KILLALY, LAFONTAINE, LESLIE, D. McDONALD, MORIN, NEILSON, PAPINEAU, PARKE, POWELL, PRICE, ROBLIN, SIMPSON, HARMANNUS SMITH, STEELE, TACHE, THOMPSON, THORBURN, TURGEON, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(39.)

NAYS:

Messieurs. CARTWRIGHT, DUNLOP, HALE, JOHNSTON, SIR ALLAN N. MCNAB, MCLEAN, HENRY SMITH, and WILLIAMS.--(8.)

So it was carried in the affirmative; and Ordered, Accordingly.

On motion of Sir Allan N. MacNab, seconded by Mr. Cartwright, Ordered, That five thousand copies of the Address of this House, of the third Instant, to His Excellency, the Governor General, praying for information on the subject of the Seat of Government, be printed for the use of the Members of this House.

Mr. Simpson, from the Special Committee appointed to inquire what accommodation is afforded within the Legislative Building for

the deliberation of the Committees of this House, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

(29)

"That this House contains but two unappropriated rooms capable of affording accommodation to Committees. The attention of your Committee was next directed to the out buildings, but they found that the only one convertible into Committee Rooms was the shed, and that by incurring an expense of £140 could be so arranged as to form eight rooms, each 12 x 24 feet. They were disposed to recommend the alteration of the shed, from an anxious desire to add some new apartments to a Charitable Institution, and which at some future period might serve as a contagious fever-ward; but from an apprehension arising from the lateness of the season, and the difficulties consequent thereon, they were induced to apply to the Venerable the Archdeacon of the Diocese, who has most liberally offered them the necessary accommodations for the sum of £75 for the present Session.

Your Committee therefore beg leave most respectfully to recommend that the sum of seventy-five pounds be charged to the contingencies of the House, that their Chairman be allowed to conclude the arrangement with the Venerable the Archdeacon for the subject of the Reference."

Ordered, That the said Report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Barthe took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Barthe reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That said Committee have leave to sit again to-morrow.

Standing Com-
mittees.

Resolved, That a Select Committee of eleven

Members, composed of the Honourable Mr.

Attorney General Baldwin, the Honourable

Mr. Neilson, Sir Allan N. MacNab, Mr. Merritt, Mr. Leslie, Mr. Price, the Honourable Mr. Moffatt, the Honourable Mr. Harrison, Mr. Christie, the Honourable Mr. Sherwood, and Mr. L. M. Viger, be appointed to prepare and report with all convenient speed lists of Members to compose the six standing Committees ordered by this House, on Thursday last.

MR. WAKEFIELD³⁸ said that as this was a day usually devoted to questions originating with the Government, he must throw himself on their indulgence and that of the House. A case more urgent than that embraced in the motion, of which he gave notice on Friday, and dangers more immediate and more pressing than those he was anxious to avert by it could scarcely be submitted to their consideration. If this were not the case, as a new Member, as a stranger to the House, and in some measure to the country, he should not have addressed them so soon after taking his seat. But the evils threatened to the County he had the honor to represent were of so grave and so pressing a nature, that his duty to his constituents admitted of no delay.

The interposition of the House now required, was necessary to prevent the immediate recurrence of scenes on the line of the Beauharnois Canal, similar to those which disgraced the county and the country in the early part of the summer. Of the extent of the mischief which then occurred, he apprehended that the Members of that House, generally, had little conception. Inquests had been held on the bodies of five persons only, who had been killed upon the spot, but he had reason to believe that the loss of life had been much more considerable - that not less than eighteen persons had perished. Many others had been wounded, and on the whole the casualties incident to the affray were equal to those of some actions of considerable importance. But it was not the labourers only that had suffered. Many of the Habitans were reduced by the disorders which had occurred, to a state little short of starvation. They had been exposed to every species of rapine. He must observe that these disorders had produced a most unfavourable impression in England, and were calculated to prevent the flow of capital thence into the Province. He was in England when the accounts of them came through the United States. The Canada Mail did not arrive at the usual time, and many persons, friends and relatives of parties in the Province, alarmed for their safety, came to him to enquire whether any new political troubles had arisen in the Colony. To form some idea of the effects of what occurred in this country in impeding the flow of English capital into it, we must recollect that almost every mail carried out statements of disturbances - the violent and unmeasured invectives of the Provincial Press - and the frequent harpings on the strings of loyalty and disaffection which occurred in that House. All these, from whatever cause arising, produced an effect in England most injurious to the Province. The fact was, that in England, little was generally known of Canada. A rumour of disturbances arose by means of paragraphs in the Provincial newspapers, and it was soon heard under every roof in the Mother Country. The repetition of such rumours gave the impression that the Province was unsafe - hence the Southern Colonies were preferred to Canada, for the investment of capital, as not being subject to political disturbances. It now became his duty to ask by whose fault it had happened, that in the recent disturbances on the Beauharnois Canal, so many lives had been sacrificed - so considerable a number of persons had been wounded, and society had been disorganized? He believed it would be found, that the fault did not lie with the civil Government. But it was necessary that the house should know on whom it ought to be charged. He had seen something of the population laboring on the Canal, before the disturbances happened, and was then satisfied that, unless an efficient police were established, backed by a military force, events similar to those which had taken place would occur. As an individual it was not in his power to procure such arrangements; and for a considerable time, even after the danger became pressing, notwithstanding repeated applications for Troops, - and after they were declared to be necessary, by Magistrates, Clergymen and others, to the protection of the County, none had been sent. When at last they did arrive, the disorders

had attained such a height that their interference, and the disasters which followed became inevitable, whereas, had they been sent in time, the violence and bloodshed which had occurred might have been avoided. The present population on the line of the Canal consisted of the French Canadians and the Labourers employed upon it. The latter consisted chiefly of Irish Immigrants from the States, who in consequence of the simultaneous stoppage of the public works in that country, and the commencement of those in this Province, had come here in search of employment. He hoped it would not be supposed that in any remarks he might make, he was influenced by any anti-Irish feeling. Of the Irish settlers in this Province he would speak with respect. A large portion of his constituents were of Irish origin. He considered them as having labored under great disadvantages, and as having been, till recently, neglected, and he might say oppressed throughout the Province. But the persons employed on the Canal were not of this description. They were American Immigrants. They had no interest in the country, nor in its peace and prosperity. They did not come to stay there. They were strangers, living in the States, and though at a former period immigrants from Ireland, might be considered here as foreigners. It was really difficult to convey an adequate idea of the sufferings inflicted on the Canadian peasantry about the works by this class of persons. It must be recollected, that the district is inhabited by French Canadians, and a more kind and peaceable set of people is not to be found in any country. These people have been pillaged in every possible manner. Their fences have been torn down, and their crops thus injured or totally destroyed - and in very many instances they have been reduced to a state of destitution little short of starvation, from robberies committed on their orchards and gardens, and injuries done to their crops in various ways from want of fences to protect them. It was the desire of the President of the Board of Works, and was suggested by him to Sir Charles Bagot to secure a part of the employment on the Canal to the French Canadians, and a French Canadian Contractor bound to employ them accordingly - for the just and kind consideration, so commendable in the Hon. Gentleman, much gratitude was felt and expressed, but from the want of sufficient force, and the consequent state of anarchy that prevailed on the line, the Contractor could not carry the benevolent designs of Sir Charles Bagot and the President of the Board of Works into effect. He might have exposed himself to be stoned to death in the attempt, or his stores might have been destroyed: he did not know what might have happened to him - and the project failed altogether. Among the other disadvantages under which the French Canadian labors, is that of speaking a different language from the other party. If abused he cannot communicate his complaints - if he attempt to do so, he is liable to be misunderstood, to have wrong motives ascribed to him, and to be ill-treated in consequence. I will mention an instance illustrative of this. Two Irish laborers on the Canal attempted to seize the boat of a Canadian for their temporary use, and entirely from a sense of the danger to which they were about to expose themselves,

he resisted their taking it. This was done with the best intentions, and from the kindest motives. The habitant to whom the boat belonged was in fact aware that the men would expose themselves to be drowned. He could not however explain himself. They misunderstood him, abused him, seized upon the boat and were drowned in the Rapids. This story is one illustration of the disadvantage under which the French Canadian labors in being placed amongst persons, a majority of whom speak a different language from his own; others may be mentioned. For instance, in the three parishes of St. Timothy, St. Clements, and St. Martine, consisting almost entirely of French Canadians, there was not, previous to the late appointments, a single Magistrate of their own origin and language. The only persons to whom they could apply were an Agent and sub-Agent of the Seignior, sitting in the Seignior office, and deciding all questions between the Seignior and the Peasantry requiring Magisterial interference, exercising all at once the functions of Prosecutor, Jury, and Judge, and disposing of the county at their will. Until Canadian Magistrates were appointed the Peasantry did not think of applying for redress in cases of injury. An aged Priest³⁹ had been subjected to a gross outrage from a sub-Agent of the Seignior, and he (Mr. W.) felt it to be his duty to express to him, in the presence of his parishoners (sic), the shame and regret he felt at the treatment he had received. Having done so he took him aside, and asked why he had not complained of the outrage. His answer was, "Sir, in this country we do not complain." This depression, this despondency had been aggravated by the events of the rebellion, by civil war, and by the terrors which accompanied it. This state of things had reduced the peasantry to a condition little better than that of Helots. They were up to this time, even now, without protection. If injured they had no redress; for to talk of the law or of damages for injuries in their present defenceless condition, was a mere mockery. It might be said that if one of the laborers does them an injury they may apply to the person who employs him - or that the Contractor is responsible - but they are unacquainted with these parties - they cannot explain themselves to them, and the interest of such parties is to prevent the redress which the Canadian sought at their hands. Practically there was no redress, no law for him. That the statements he had made were correct he was prepared at any time to prove before a Committee. Under such circumstances would it be believed - would the House believe, that the Troops had just now been withdrawn, and that the people and the stores of the Contractors were thus exposed to the lawless attacks of congregated numbers - to all the evils, even while he was then speaking, which disgraced the Province in July. The urgent representations of those exposed to these evils, and the immediate necessity of protection from them, could alone have induced him to trespass to the extent he had done on the patience of the House. Two things were necessary to the protection of the people, - 1st, the presence of a sufficient body of the regular Troops. Recent events rendered the volunteers objectionable, and required that soldiers should be employed, commanded by Her Majesty's Officers. Nothing short of this

would restrain this stranger population - and no other force would be required, except that of a real and effective Police. A Stipendiary Magistrate with six Policemen could effect nothing when opposed in the execution of their duty (on serving a Warrant for instance) by a population of 3000 strangers, spread over a space of 12 miles. Such a provision was of no use. The police in such circumstances were powerless, and would find themselves in a condition which reminded him of the description given by an inhabitant of Connaught, "that the King's writ did not run there." Nor would the Queen's writ run on the Beauharnois Canal, unless supported by the requisite protection to those who were to see its execution. A Stipendiary Magistrate, speaking the French language, with whom the people can consequently communicate, and in whom they have confidence - assisted by a sufficient number of policemen, could alone afford the requisite protection. There was a rumour of an intention to appoint a stranger, but such appointment would be useless and idle, because the person so appointed would not be acquainted with the peasantry, and would, therefore, not enjoy their confidence. The necessity for immediate action ((on)) this matter was pressing. At this moment serious disturbances might be taking place. Apprehensions of them had been expressed to him by several individuals, whose names, on account of danger to their personal safety, he was afraid of mentioning - though he was willing to give them in private to the Executive Government. This was his justification for bringing the motion forward on that night, in which he believed he had only done a duty incumbent upon him to the House, to his constituents, and to the country. It only remained for him to thank the House for the patience with which they had the goodness to listen to him - and to move "that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be graciously pleased to communicate to the House any correspondence that may have taken place between the Civil Government and the Military authorities, with respect to stationing troops on the line of the Beauharnois Canal."⁴⁰

A few observations ((were heard from)) Messrs. NEILSON, THORBURN, MERRITT, and BALDWIN⁴¹.

The motion was granted unanimously.⁴²
(29)

Troops at
Beauharnois.

On motion of Mr. Wakefield, seconded by Mr. De Witt,
Resolved, That an humble Address be presented to His
Excellency, the Governor General, praying that
His Excellency be pleased to cause to be laid before this House, any
Correspondence that may have taken place between the Civil Government and
the Military Authorities, with respect to stationing troops on the line of
the Beauharnois Canal.⁸

Ordered, That the said Address be presented to His Excellency, the
Governor General, by such Members of this House, as are of the

Honourable the Executive Council of this Province.

Religious So-
cieties Lands.

Ordered, That Mr. Williams have leave to bring in a Bill to enable Religious Societies of all denominations of Christians (in that part of the Province formerly called Upper Canada), to hold Lands requisite for certain purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by Mr. Derbshire,

Marshall Spring
Bidwell Esquire.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any correspondence that may have passed with the Executive Government of this Province, since His Excellency's Assumption of the Government thereof, respecting the case of Marshall Spring Bidwell, Esquire, formerly Speaker of the Commons House of Assembly, of the late Province of Upper Canada.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Party Processions.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to restrain Party Processions in certain cases.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the twenty-third instant.

Secret So-
cieties.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill for the discouragement of Secret Societies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the twenty-third instant.

Public Meet-
ings.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday, the twenty-third instant.

Late Sir John

Caldwell's Estate. A Bill for securing the Province against any unnecessary loss on the Judicial Sale of certain parts of the Vacant Estate of the late Honourable Sir John Caldwell was, according to order, read a second time.
Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. De Witt took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. De Witt reported that the Committee had gone through the Bill and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Census of Lower
Canada.

A Bill for taking the Census of the Inhabitants of Lower Canada, and for obtaining certain Statistical information therein mentioned was, according to order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Merritt took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Merritt reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

(30)

Duties on
Imports.

The Order of the day for the House in Committee to consider the propriety of amending the Act 4 & 5 Victoria, Cap. 14, which imposes duties on good, wares, and merchandize, imported into this Province, and imposing duties on certain Agricultural products exempted from duty under the said Act, being read,

The House accordingly resolved itself into the said Committee.

Captain Steele took the Chair of the Committee.⁴³

MR. HINCKS moved a resolution to the effect that it was expedient to impose certain duties upon agricultural products brought into the Province, advocating the measure for the benefit of the farming population.⁴⁴

MR. HARRISON, MR. CHILD, CAPT. MOORE, and MR. WILLIAMS, strongly supported the resolution ⁴⁵.

MR. D.B. VIGER and MR. SIMPSON ((opposed)) *it.*⁴⁶

It was carried, however, together with the following resolutions, fixing the duties to be imposed, in sterling money: -

On every horse, mare, or gelding imported into the province, 30s.
 On every colt and foal under two years old ditto, 15s.
 On every mule or ass ditto, 5s.
 On every bull ditto, 15s.
 On every ox four years old ditto, 16s.
 On every steer, heifer, and cow, under four years old, ditto, 10s.
 On every calf ditto under one year, 5s.
 On every sheep ditto, 2s.
 On every lamb ditto, 1s.
 On every hog or swine ditto, 5s.
 On every goat and kid, 1s.
 On poultry ditto, 10 per cent.
 On every quarter of barley, 3s.
 On ditto of rye and peas, 3s.
 On ditto of oats, 2s.
 On every 196. lbs meal, 2s.
 On every cwt bran and shorts, 3d.
 On every ton of hay, 6s.
 On ditto of straw, 3s.
 On each lb of hops, 3d.
 On every bushel of potatoes, 3d.
 On all unenumerated vegetables, 15 per cent *ad valorem*.
 On cured bacon and hams, 5s.
 On every cwt of fresh meat, 4s.
 On ditto of salted or cured ditto, 2s.
 On ditto of butter, 2s.
 On ditto of cheese, 2s 6s. (sic)
 On ditto of lard, 6s.
 On eggs, 14 per cent *ad valorem*.⁴⁷

(30)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain Steele reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Writ of Elec-
tion County of
Montreal.

The Order of the day for the House in Committee on the Report of the Special Committee to which was referred a motion made on the third instant, viz:

"That the Speaker do issue his warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of one Member to serve in the present Provincial Parliament, for the County of

Montreal, in the room of Alexander Maurice Delisle, Esquire, who since his election has accepted the Office of Clerk of the Peace for the District of Montreal," being read ---
Ordered, That the said order of the day be postponed until to-morrow, and that it be then the first order of the day.

Then on motion of the Honourable Mr. Solicitor General Aylwin, seconded by the Honourable Mr. Viger,
The House adjourned.

APPENDIX, 9 OCTOBER 1843.

((WITHDRAWN PETITION RE: GRANT OF MONEY.))

MR. SIMPSON moved the reference to a committee, of a petition praying for a grant of money⁴⁸.

MR. BALDWIN remarked, that by not sending such petitions to His Excellency, before the session opened, much inconvenience was occasioned; as the Executive was deprived of obtaining information either from the members of the Board of Works, or other sources, respecting the nature and merits of the objects sought to be aided, that would enable them to recommend the grant, if they approved it, and place it in their estimates for the year. He thought, therefore, that it would be better to follow the English rule, and present all such petitions to the Executive, before they were laid before the House.⁴⁹

The petition was withdrawn, until the consent of the Executive be obtained.⁵⁰

FOOTNOTES - 9 OCTOBER 1843.

1. According to the MONTREAL TRANSCRIPT, 14 October 1843, Daly appeared at the Bar of the House with the messages at about 5 o'clock.
2. The debate on this motion was reported in: L'AUREOLE, 14 October 1843, which was copied by LE CANADIEN, 16 October 1843; MONTREAL GAZETTE, 13 October 1843, and BRITISH COLONIST, 13 October 1843, in identical accounts; KINGSTON CHRONICLE, 11, 14 October 1843, and EXAMINER, 18 October 1843, in identical accounts; MONTREAL TRANSCRIPT, 14 October 1843; and ST. CATHARINES JOURNAL, 9 November 1843. Commentaries can be found in: LE CANADIEN, 16, 30 October 1843; MONTREAL GAZETTE, 12 October 1843; and MONTREAL TRANSCRIPT, 14 October 1843.
3. KINGSTON CHRONICLE, 11 October 1843.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. MONTREAL GAZETTE, 13 October 1843.
12. KINGSTON CHRONICLE, 11 October 1843.
13. KINGSTON CHRONICLE, 14 October 1843.
14. IBID.
15. MONTREAL GAZETTE, 13 October 1843.
16. MONTREAL TRANSCRIPT, 14 October 1843.
17. KINGSTON CHRONICLE, 14 October 1843.
18. IBID.
19. IBID.
20. MONTREAL TRANSCRIPT, 14 October 1843.
21. IBID.
22. IBID.
23. IBID.
24. KINGSTON CHRONICLE, 14 October 1843.
25. IBID.
26. MONTREAL TRANSCRIPT, 14 October 1843.
27. IBID.
28. MONTREAL GAZETTE, 13 October 1843.
29. MONTREAL TRANSCRIPT, 14 October 1843.
30. IBID.
31. KINGSTON CHRONICLE, 14 October 1843.
32. MONTREAL TRANSCRIPT, 14 October 1843.
33. KINGSTON CHRONICLE, 14 October 1843.
34. IBID.
35. IBID.
36. MONTREAL TRANSCRIPT, 14 October 1843.
37. MONTREAL GAZETTE, 13 October 1843.
38. The debate on this motion was reported in: LE CANADIEN, 16 October

- 1843, and L'AURE, 14 October 1843, in identical accounts; MONTREAL TRANSCRIPT, 14 October 1843, MONTREAL GAZETTE, 13 October 1843, and BRITISH COLONIST, 13 October 1843, in identical accounts; ST. CATHARINES JOURNAL, 26 October 1843; and KINGSTON CHRONICLE, 14 October 1843.
39. Rev. M. Archambault, according to LE CANADIEN, 16 October 1843.
40. KINGSTON CHRONICLE, 14 October 1843.
41. IBID.
42. IBID.
43. The debate on this matter was reported in: LE CANADIEN, 16 October 1843, and L'AURE, 14 October 1843, in identical accounts; BRITISH COLONIST, 13 October 1843, MONTREAL GAZETTE, 13 October 1843, MONTREAL TRANSCRIPT, 14 October 1843, and BATHURST COURIER, 23 October 1843, in identical accounts. There is a commentary in LE CANADIEN, 16 October 1843.
44. MONTREAL GAZETTE, 13 October 1843.
45. IBID.
46. IBID.
47. IBID.
48. ST. CATHARINES JOURNAL, 26 October 1843.
49. IBID.
50. IBID.

TUESDAY, 10 OCTOBER 1843.

(30)

Collectors'
Returns.

MR. SPEAKER laid before the House Returns from the Collectors of the Ports of Montreal and Kingston, to an order of the House of the 8th October, 1842, for a copy of the regulations relating to Warehousing at the several Ports of this Province.

(For the said Returns see Appendix K.)

12 Petitions
brought up.

The following Petitions were severally brought up and laid on the table:

By Mr. L.M. Viger--The Petition of the Reverend Messieurs. Brassard and Mignault, Rectors of Longueuil and Chambly, and of other inhabitants of the said Parishes; and the Petition of Joseph Bessett and other Proprietors of Lands on the line of the Chambly Canal.

By Mr. Child--The Petition of Edmund Peel and others, inhabitants of the County of Stanstead; the Petition of Andrew Patton, Land Waiter to the Custom House in the Township of Stanstead; and the Petition of Robert Hoyle, Collector of Customs at Stanstead.

By the Honourable Mr. Morin--The Petition of H. St. Germain, and J.G. LaViolette, of the Parish of St. Eustache, in the District of Montreal.

By the Honourable Mr. Neilson--The Petition of Charles Hebert, Messenger of the Quebec District Council.

By Mr. Henry Smith--The Petition of the Venerable George Okill Stuart, and others, Freeholders and Householders in Lot No. 24, in the First Concession of the Township of Kingston.

By Mr. Taschereau--The Petition of the Reverend P. Beaumont and others, inhabitants of the Parish of St. Jean Chrysostome, in the Seigniory of Lauson, in the County of Dorchester.

By the Honourable Mr. Solicitor General Aylwin--The Petition of the Reverend C.F. Cazeau and others, of the City of Quebec, members of the Congregation of Our Lady, (Congregation de Notre Dame.)

By Mr. Wakefield--The Petition of J.B. LaViolette, Stipendiary Magistrate on the Beauharnois Canal, in the District of Montreal.

By Mr. Cartwright--The Petition of Thomas A. Corbett and others, of the Town of Kingston.

Medical Board
Montreal.

Mr. Simpson, from the Select Committee to which was referred the Petition of the members of the Medical Board of Montreal, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

"Your Committee beg leave to Report--That the sanction of your Honourable House having been obtained to the principle of this

measure, by the second reading of a Bill to facilitate the study of Anatomy, in the two last Sessions, your Committee consider they will best promote the object of the reference, by the introduction of a Bill, which they recommend to the consideration of your Honourable House."

Ordered, That Mr. Simpson have leave to bring in a Bill to regulate and facilitate the study of Anatomy.

Study of Anatomy.

He according presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday the twentieth instant.

Report on Petition of Cha's Cunningham and others.

Mr. Christie from the Special Committee to which were referred the Petition of Charles Cunningham, and others, of the City of London in England; and the Petition of Andrew H. Young and others, of the City of Quebec, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee having made the necessary inquiry as to the benefit in a public sense, to be derived to the Province by the Incorporation of a Company for the objects mentioned in the first of the said Petitions referred to them, and having with a view to ascertain the standing and efficiency of the Petitioners to carry out the purposes contemplated in their Petition, examined J.H. Kerr, of Quebec, Esquire, Agent of the Petitioners, and Mr. Wakefield, one of the Members of Your Honourable House, to whom the Petitioners are personally known, and whose evidence was satisfactory in this respect, are of opinion that the formation of a Company for the purposes prayed for, with a Capital of £150,000, liable to be increased to £200,000 Sterling of which at least one third should actually be paid up by the Stockholders before the said Company shall go into operation and have the benefits of a Corporate capacity in Canada, would be beneficial to the Province by the introduction of British Capital and the encouragement of enterprise and industry therein, care always being taken that it be provided in any enactment that may be passed for the purpose, that before the said Company shall be operative as a Body Corporate in this Province, the aforesaid proportion of at least one third of the Capital Stock of the Company shall bona fide actually have been paid up, funded and at the disposal of the said Company for the purposes thereof, and accessible to those in this Province who shall at any time have claims thereon; also that a general Statement of the affairs of the said Company shall be annually placed under the supervision of the Provincial Legislature, only to such extent however as may

be sufficient to afford a check upon any abuse of the privileges conferred upon the Company, by its Incorporation under the Provincial Act; and Your Committee accordingly recommend that the prayer of the Petitioners be granted, and that an Act to Incorporate the said Company be introduced and passed by Your Honourable House.

(31)

Ordered, That the said Report be referred to a Committee of the whole House, on Tuesday next.

Register Laws.

Ordered, That the Honourable Mr. Sherwood have leave to bring in a Bill to alter and amend the Registry Laws of that part of this Province which was formerly Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday the eighteenth instant.

On motion of Mr. Thorburn, seconded by Mr. Harmannus Smith,

Niagara Boundary Line.

Resolved, That this House will, on Wednesday the eighteenth instant, resolve itself into a Committee of the whole House, to take into consideration the propriety of amending the Act of the Legislature of the late Province of Upper Canada, of the 56 Geo.III., cap. 19, so far as relates to the Boundary Line between the Niagara and Gore Districts; and that the Petition of the Municipal Council of the Niagara District, respecting said Boundary Line, presented to the House on the twenty-ninth of September last, be referred to the said Committee.

On motion of Mr. Thorburn, seconded by Mr. Harmannus Smith,

Boundary Commissioners.

Resolved, That this House will, on to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of reviving and continuing so much of the Act of the Legislature of the late Province of Upper Canada, of the 1 Victoria, chap. 19, as will enable the Commissioners appointed under the said Act, to collect and obtain a settlement of such costs and expenses incurred by them in the execution of their trust, as still remain unliquidated; and that the Petition of George Rykert, and others, presented to the House on the second instant, be referred to the said Committee.

On motion of the Honourable Mr. Jones, seconded by the Honourable Mr. Neilson,

Disturbances Beauharnois.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause

to be laid before this House the Report of the Commission of Enquiry into the disturbances upon the Beauharnois Canal during the last summer; a Statement of the Expenses attending the said Commission of Enquiry, and of the other Expenses consequent upon the question of the said disturbances; and also a Statement of the Expenses of putting down the disturbances upon the Lachine Canal during the last winter.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Cartwright, seconded by Mr. Price,

Quarter Sessions
Upper Canada.

Resolved, That this House do now resolve itself into a Committee of the whole House, to take into consideration the propriety of repealing part, and amending the Laws now in force for fixing the periods of holding the several Courts of General Quarter Sessions of the Peace in that part of the Province formerly Upper Canada.

The House accordingly resolved itself into the said Committee.
Mr. L.M. Viger took the Chair of the Committee,¹

MR. CARTWRIGHT stated that the object he had in view by the resolution submitted to the committee was to provide a fixed time for the holding of Quarter Sessions: as the matter now stood, it was necessary to run over some twenty statutes to ascertain the time, and much inconvenience had arisen from the cause. The resolutions merely declared the expediency of repealing in part and amending the existing statutes, but the bill which he would introduce provided for the holding of courts on the fourth Tuesday in January, April, and July and the first Tuesday in November.²

and after some time spent therein,

(31)

Mr. Speaker resumed the Chair,

And Mr. L.M. Viger, reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved, That it is expedient to amend the Laws so as to fix the periods for holding the several Courts of the General Quarter Sessions of the Peace, in and for the several Districts of the Province heretofore called Upper Canada, and that the periods be uniform throughout.

Ordered, That Mr. Cartwright have leave to bring in a Bill, to fix the periods for holding the Courts of General Quarter Sessions of the Peace, in that part of the Province formerly Upper Canada. He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of the Honourable Mr. Hincks, seconded by the Honourable

Mr. Morin,

Provincial
Customs.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the propriety of repealing certain Acts and Ordinances relative to the management and regulation of the Provincial Customs, and to Duty of Customs, and other Duties imposed by Provincial Laws; and to the Licensing of Tavern Keepers, and Vendors of Spirituous and other Liquors, Auctioneers, Distillers, Hawkers and Pedlars, and Keepers of Billiard Tables.

The House accordingly resolved itself into the said Committee.

Mr. Judah took the Chair of the Committee,³

The hon. gentleman ((MR. HINCKS)) stated that it was necessary to repeal 61 Acts and Ordinances, and that a bill consolidating or including their general provisions would be immediately introduced.⁴

(31)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Judah reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the Acts and Ordinances relative to the management and regulation of the Provincial Customs, and to Duties of Customs, and other Duties imposed by Provincial Laws, and to the Licensing of Tavern Keepers, and Vendors of Spirituous and other Liquors, Auctioneers, Distillers, Hawkers and Pedlars, and Keepers of Billiard Tables, and to substitute other provisions in lieu thereof.

Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill to repeal the Acts, Ordinances, and provisions of Law, therein mentioned, relative to the management and regulation of the Provincial Customs, and to Duties of Customs, and other Duties imposed by Provincial Laws, and to the Licensing of Tavern Keepers and Vendors of Spirituous and other Liquors, Auctioneers, Distillers, Hawkers and Pedlars, and Keepers of Billiard Tables.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Debtors'
detention.

Ordered, That Mr. Thompson have leave to bring in a Bill to provide for the detention, and conveyance to Gaol of Debtors, in certain

cases, within Canada West.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

(32)

Montreal County
Election.

*Sir Allan N. MacNab moved, seconded by the Honourable Mr. Moffatt, that an humble Address be presented to His Excellency the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of the opinion given by the Law Officers of the Crown, in that part of this Province lately called Lower Canada, on the subject of the application of A.M. Delisle, Esquire, Clerk of the Peace for the District of Montreal, to be permitted to perform his duties, as such Clerk of the Peace, by Deputy, during the sitting of Parliament, to enable him to attend in his place in this House, as Representative of the County of Montreal, and all communications between the Government and the said A.M. Delisle on the subject.*⁵

MR. LAFONTAINE wished to know what occasion there was for such a motion. Had Mr Delisle made any complaint?⁶

SIR ALLAN MACNAB said he had heard nothing from Mr Delisle on the subject: he was a member of that House: and as he (Sir A.) had been informed that there were peculiar circumstances detaining Mr Delisle from his duties in that House, he felt it his duty to take that course which he thought best to obtain the fullest information for the satisfaction of the House. A little information, as it had frequently been said, would do no harm.⁷

MR. LAFONTAINE said he had no doubt Mr Delisle would be thankful to the hon. and gallant knight from Hamilton for the interest which he had exhibited in his behalf. He could not say - he was not sure, whether the information asked for by that hon. gentleman would be given; but he (Mr L.) would like to know from whom the gallant knight had derived his information.⁸

SIR ALLAN MACNAB said that the hon. Attorney-General had no right to ask him where he got his information; he had told that hon. gentleman that he did not get it from Mr Delisle. He (Sir Allan) had a right to ask information on every subject affecting the public interest; and if the hon. gentleman on the treasury benches refused to give it, he would form his own opinion of their conduct.⁹

MR. LAFONTAINE stated that the information asked for could not be given.¹⁰ ((He)) considered that it was highly irregular to impute improper motives to his Excellency.¹¹ The opinions of the law officers of the crown are given to the Governor-General for his own information, and it was not usual to communicate them to either House of Parliament. His Excellency could do so if he deemed it necessary. The hon. gentleman had told them he did not get his information from Mr Delisle: that might be the case, but there were Mr Delisle's relations or immediate friends who had an interest in the matter. Be that as it may, he would assure them the Governor would not give the information asked for. The hon. and

gallant knight was peculiarly fond of citing English precedents: he (Mr. L.) would show that hon. gentleman precedents bearing directly upon the point in question from the journals of the House of Lords. Here the hon. gentleman referred to the question of the Clergy Reserves, and the motion made by the Bishop of Exeter in the House of Lords, for the opinion of the crown law officers, and read extracts from Hansard's reports of the speeches of Duncannon, Ellenborough, Lansdowne and others, in which those noble lords stated that it was unusual to communicate to the legislature the legal opinions of the law officers of the crown. Upon the strength of these precedents, and on the part of the Governor-General and his (Mr L's) colleagues, he informed the hon. and gallant knight that the information which he had sought for would not be given. He would ask hon. gentlemen to look at the bearing of the motion of the hon. member for Hamilton: it called in question the treatment by the Executive government of a subordinate officer, and would impeach the conduct of the Governor.¹² When Mr. Delisle assumed his duties, he had no deputy. Why, then, was a new office to be created for his pleasure? Or, indeed, what had such an application to do with his seat being vacant or not?¹³ Mr Delisle might realize the application of the old adage, "Save me from my friends."¹⁴

MR. DUGGAN deemed the answer given by the Attorney General very unsatisfactory. He would like to know if the cases cited involved the privileges of Parliament (hear), or if the House of Commons had entered into an investigation of such a case, whether any information necessary to assist that investigation would have been withheld by the advisers of the Crown. And were they to be told that because a member of the House desired to get possession of certain information in relation to the case of Mr Delisle, that that gentleman should suffer the consequences of any supposed improper interference of his friends - were they to be told that Mr Delisle would have cause to say in consequence, "Save me from my friends?" (Hear, hear). The question before them was one entirely of privilege, and every information necessary to its proper disposition should be freely afforded to the House. It was not necessary that a petition or complaint from Mr Delisle should be laid before the House; if it had been suggested that a member of that House had been deprived by certain circumstances of the power of attending to his duties, it was proper and necessary to inquire into those circumstances.¹⁵

SIR ALLAN MACNAB had not the pleasure of a personal acquaintance with Mr Delisle, and had acted alone from what he conceived to be due to a member of that House. He had no idea his hon. friend the Attorney General intended to make this case so important, and refer them to the Journals of the House of Lords for precedents, and select that of the application for the opinion of the Law advisers of the Crown on the question of the Clergy Reserves, a question which had for 20 years agitated this country from one end to the other, as an analogous case to one peculiarly connected with the privileges of the House. He could tell him it did not look well; he ought to stand up and say we tendered our

opinion to the Governor General, and here is a copy of that opinion; and then it could have gone before a committee, and be taken up as a question of privilege. He could tell them that that power of issuing new commissions to public officers, and necessitating them to vacate their seats was a dangerous power in the hands of the Executive (hear); because where an hon. gentleman is rejected for one County, and then for a second, a seat might be vacated in the House by appointment, and he be elected for the third, as was done in a recent instance, he would be glad to see that power taken out of the hands of the Executive.¹⁶

M. VIGER remarque que si les précédents de la chambre des lords n'étaient pas applicables, on pourrait en citer une foule d'autres; qu'il regardait comme une innovation d'accorder un député à M. Delisle.¹⁷

MR. AYLWIN was surprised that a gentleman possessing the legal attainments of the gallant Knight for Hamilton, should evince such indifference for the precedents. He (Sir A. M'Nab) had on a former occasion, in reply to an attack made upon him, adverted to the high position to which he had been called; and regarding him in the various capacities of Speaker of the House of Assembly, a member of the legal profession, and a Knight, he (Mr. Aylwin) could only find a parallel in Hudibras, where a certain Knight was described as being as conspicuous for his legal attainments as his prowess. It was certainly a new feature in Parliamentary proceedings, that an Address should be moved in the case of one holding so subordinate a situation as that of Justice of the Peace!¹⁸

(32)

The question having been put upon the said motion, a division ensued, and it passed in the negative.

Sir John Caldwell's Estate.

Mr. De Witt, from the Committee of the whole House on the Judicial Sale of certain parts of the vacant Estate of the late Honourable Sir John Caldwell, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.¹⁹
Ordered, That the said Bill, as amended, be engrossed.

Census, Lower Canada.

Mr. Merritt, from the Committee of the whole House, on the Bill for taking the Census of the Inhabitants of Lower Canada, and for obtaining certain Statistical information therein mentioned, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.
Ordered, That the said Bill as amended, be engrossed.

Duties.

The Order of the day for receiving the Report of the whole House to consider the propriety of amending the Act 4 & 5 Victoria, Cap. 14. which imposes duties on goods, wares, and merchandize, imported into this Province, and imposing duties on certain Agricultural products exempted from duty under the said Act, being read,
Ordered, That the said Order of the day be postponed until Monday next.

Montreal Election.

The Order of the House in Committee on the Report of the Special Committee to which was referred a motion made on the 3d instant, viz:
 "That the Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the Election of one Member to serve in the present Provincial Parliament for the County of Montreal, in the room of Alexander Maurice Delisle, Esquire, who, since his Election, has accepted the Office of Clerk of the Peace, for the District of Montreal," being read,

The House accordingly resolved itself into the said Committee.

Mr. McLean took the Chair of the Committee,²⁰

MR. ((HENRY)) SHERWOOD stated, that in looking into precedents, he felt convinced that no Member of the House of Commons would have forfeited his seat in such a case as that of Mr. Delisle. The change in the office of Clerk of the Peace for the District of Montreal, had been made by the Government itself; the office having first been held by Mr. Delisle and Mr. Brehaut conjointly; afterwards by Mr. Delisle alone, which was merely the substituting of one commission for another. It was not the amount of revenue that vitiated a seat, but the principle of it. Mr. Delisle was Clerk of the Peace with Mr. Brehaut, and he has continued to discharge the duties of that office, with all the responsibilities attached to it, up to the present time, with the exception (sic) merely of the interval that elapsed while the Governor General was signing the new commission. Such being the case, he (Mr. Sherwood) submitted, that he had not forfeited his seat. To strengthen his position, he would adduce the case of Sir Robert Peel, who was Secretary for Ireland. He (Sir R. Peel) filled the office under one Lieut. Governor - another Lieut. Governor succeeded - a new commission made out - and Sir R. Peel continued to perform the duties of his office under this new commission, the same as before. There were some doubts on the subject at the time, as to whether Sir R. Peel had vacated his seat in Parliament and a declaratory Act was passed in consequence, establishing that he had not.²¹

MR. AYLWIN observed, that Mr. Brehaut had, of his own accord, given up the office he held, conjointly with Mr. Delisle, and the latter had been appointed to it, singly, by his own wish. So far from the Government desiring to corrupt the members of the House, by promoting the resignation of seats, it was giving the people an opportunity to show

whether, under altered circumstances, a Representative possessed their confidence or not. With respect to the law, upon the subject, - in Lower Canada, it was held, that whoever accepted(sic) office, became as it were naturally defunct. A precedent had been cited in the case of Sir Robert Peel. He (Mr. Aylwyn) would also cite one, that of Mr. Pelham, (if we understood him aright) that gentleman resigned the seals of office, two days elapsed, they were not conferred upon any one else, and he resumed one. Even in this case, doubts arose whether he had not vacated his seat. It was, however, held, that he had not; it being decided, that in order to establish the fact, the resignation should have been by a deed enrolled in chancery. If, therefore, the enrolling of a deed in chancery, would have made his seat void, how much more conclusive was it in the case of Mr. Delisle, where the tenure of office depended upon the will of the Crown? Mr. Delisle held his office by letters patent - those letters patent had been revoked - a new commission had been issued - the office previously held by two was now filled by one, the emoluments were nearly doubled. The office, therefore, held by Mr. Delisle was de facto a new office, and by his acceptance of it, his seat had become vacant.²²

MR. JOHNSON, MR. D.B. VIGER, MR. QUESNEL, MR. BERTHELOT, SIR A. MACNAB, MR. MOFFATT, MR. LAFONTAINE, MR. CARTWRIGHT, and MR. NEILSON took part in the discussion.²³

In a legal point of view, however, it was argued chiefly by MR. SHERWOOD and MR. AYLWIN.²⁴

(32)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. McLean reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and is as followeth:

Resolved, *That it is the opinion of this Committee, that a new Writ be ordered for the County of Montreal, for the election of a member in the room of Alexander Maurice Delisle, Esquire, whose seat has become vacant by accepting office since his election in March, 1841.*

The Honourable Mr. Viger moved, seconded by Mr. Boutillier, that the House doth concur with the Committee in the said Resolution.

The question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down as followeth:

YEAS:

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOUTILLIER, CHESLEY, CHILD, CHRISTIE, CRANE, DE WITT, DUNN, GILCHRIST, HARRISON, HINCKS, HOPKINS, JONES, KILLALY, LAFONTAINE, LESLIE, D. McDONALD,

MCLEAN, MERRITT, MORIN, NEILSON, PAPINEAU, PRICE, QUESNEL, SIMPSON, SMALL, HARMANNUS SMITH, THOMSON, THORBURN, TURGEON, D.B. VIGER, L.M. VIGER, WAKEFIELD, and WILLIAMS--(38.)

NAYS:

Messieurs CARTWRIGHT, DUGGAN, FORBES, SIR ALLAN N. MACNAB, MCCULLOCH, MOFFATT, ROBLIN, HENRY SMITH, and H. SHERWOOD.--(9.)

So it was carried in the affirmative; and

Resolved, Accordingly.

On motion of the Honourable Mr. Viger, seconded by Mr. Boutillier, Ordered, That Mr. Speaker do issue his warrant for a new Writ, conformably to the said Resolution.

Accommodation for Committees.

The Order of the Day for the House in Committee, on the Report of the Special Committee appointed to enquire what accommodation is afforded within the Legislative Building for the deliberation of the Committees of this House, being read,

The House accordingly resolved itself into the said Committee.

Mr. Wakefield took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Wakefield reported that the Committee had come to a Resolution which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Then, on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Hincks,

The House adjourned.

FOOTNOTES - 10 OCTOBER 1843.

1. The debate on this matter was reported in: ST. CATHARINES JOURNAL, 26 October 1843; and KINGSTON CHRONICLE, 14 October 1843.
2. KINGSTON CHRONICLE, 14 October 1843.
3. The debate on this matter was reported in: KINGSTON CHRONICLE, 14 October 1843, and EXAMINER, 18 October 1843, in identical accounts; and ST. CATHARINES JOURNAL, 26 October 1843.
4. KINGSTON CHRONICLE, 14 October 1843.
5. The debate on this motion was reported in: BRITISH COLONIST, 17 October 1843, and MONTREAL GAZETTE, 14 October 1843, in identical accounts; LA MINERVE, 14 October 1843; MONTREAL GAZETTE, 13 October 1843; ST. CATHARINES JOURNAL, 26 October 1843; and KINGSTON CHRONICLE, 14 October 1843.
6. KINGSTON CHRONICLE, 14 October 1843.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. MONTREAL GAZETTE, 13 October 1843.
12. KINGSTON CHRONICLE, 14 October 1843.
13. MONTREAL GAZETTE, 13 October 1843.
14. KINGSTON CHRONICLE, 14 October 1843.
15. IBID.
16. IBID.
17. LA MINERVE, 14 October 1843.
18. MONTREAL GAZETTE, 13 October 1843.
19. LE CANADIEN, 23 October 1843, provides an interesting commentary on this motion.
20. The debate on this matter was reported in: LE CANADIEN, 23 October 1843, and L'AUREOLE, 14 October 1843, in identical accounts; BRITISH COLONIST, 17 October 1843, and MONTREAL GAZETTE, 14 October 1843, in identical accounts; BRITISH COLONIST, 13 October 1843; LA MINERVE, 14 October 1843; and MONTREAL GAZETTE, 13 October 1843. The MONTREAL GAZETTE, 13 October 1843, observed of this debate: "It occupied nearly two hours, and was debated as a dry legal question, chiefly by Mr. Sherwood and Mr. Aylwin."
21. MONTREAL GAZETTE, 13 October 1843.
22. IBID.
23. IBID.
24. IBID.

WEDNESDAY, 11 OCTOBER 1843.

(32)

The following Petitions were severally brought up and laid on the Table:--

26 Petitions
brought up.

By Mr. De Witt--The Petition of Loop Odell, of Napierville; and the Petition of John G. Lansing, and others, Inhabitants of the Seignory of Lacolle.

By Mr. Armstrong--The Petition of Oliver Valois, and others, Freeholders of the Parish of Isle du Pads, in the District of Montreal.

By Mr. Chesley--The Petition of Joshua Y. Cozens, of the Town of Cornwall,

By Mr. Child--The Petition of H.W. Hitchcock, and others, Inhabitants of the Township of Hatley, in the District of St. Francis,

By Mr. Papineau--The Petition of the Municipal Councillors, and other Inhabitants of the County of Ottawa, in the District of Sydenham; and the Petition of Charles Symmes, and other Inhabitants of the County of Ottawa; and the Petition of the Reverend Joseph Desautels, of the Township of Hull, in the District of Ottawa.

By Mr. Holmes--The Petition of the President and Governors of the Montreal General Hospital; the Petition of the Mercantile Library Association of Montreal; and the Petition of the Honourable Peter McGill and others, of the City of Montreal.

By Mr. Hopkins--The Petition of the Municipal Council of the Gore District, (relating to the boundary line between the Districts of Gore and Niagara;) the Petition of the Municipal Council of the Gore District,

(33)

(relating to Agriculture;) and the Petition of the Municipal Council of the Gore District, (relating to Division Courts.)

By Mr. Forbes--The Petition of Thomas Kains, and others, inhabitants of the left Bank of the River Ottawa; the Petition of George Bridgman, and others, Leather Manufacturers and Dealers, in Canada East; and the Petition of W.G. Blanchard, and other Inhabitants, of the County of the Lake of Two Mountains.

By the Honourable Mr. Viger--The Petition of Patrick Brennan, of the City of Montreal,

By Mr. Price--The Petition of G.W. Yarker and others, Inhabitants of the County of Frontenac;

By Mr. Roblin--The Petition of W. Ketchison junior, and T.D. Appleby, of the District of Victoria and P.V. Elmore, of the Town of Kingston; and the Petition of Albert G. Alexander, of the Township of Hamilton, in the Newcastle District.

By Mr. Henry Smith--The Petition of Robert Barclay, and others, Stone Masons, of the Town of Kingston.

By the Honourable Mr. Attorney General Lafontaine--The Petition of the Reverend Mr. Ducharme, Rector of the Parish of Blainville, in the County of Terrebonne; and the Petition of the Fourth Riding Agricultural Society of the County of York.

By the Honourable Mr. Neilson--The Petition of the Reverend John Cook, and other Directors of the Quebec High School.

By the Honourable Mr. Sherwood--The Petition of Julia Bell, wife of Aeneas Bell, Chief Messenger of the late House of Assembly of Upper Canada.

Caldwell's Es-
tate Bill.

An engrossed Bill for securing the Province against any unnecessary loss on the Judicial Sale of certain parts of the vacant estate of the late

Honourable Sir John Caldwell, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Lafontaine do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend J.Z. Carron, and other Inhabitants, of the Municipal District of Beauharnois; praying the repeal of the Judicature Act, 4 & 5 Victoria, cap. 20, and the re-establishment of Commissioners' Courts.

Of the Reverend J.Z. Carron, and other Inhabitants of the County of Beauharnois; praying that persons selling Malt Liquors or fermented Liquors, may be subjected to the same duty, and the same formalities before they obtain Licenses, as persons selling Spirituous Liquors.

Of Eden Colville, of Beauharnois, Agent for the North American Colonial Association of Ireland; praying that further powers be granted to the said Association.

Of the Lord Bishop of Montreal, and others; praying for an Act of Incorporation for the Diocesan College of Lennoxville in Lower Canada.

Of the Corporation of the College of L'Assomption, in the County of Leinster; praying a grant of money to enable them to enlarge the said College so as to meet the growing wants of the population.

Of the Municipal Council of the District of Rimouski; praying the repeal of the Sleigh Ordinance; the repeal or amendment of the Registry Ordinance; the amendment of the Judicature Act, 4 & 5 Victoria, Cap. 20 and the re-establishment of Commissioners' Courts; and the amendment of

the School Act, 4 & 5 Victoria, Cap. 18.

Of the Municipal Council of the District of Victoria; praying to be authorized to impose a Tax on Dogs in the said District.

Of the Municipal Council of the District of Victoria; praying that all moneys arising from Licenses and Fines in the said District, be placed at the disposal of the said Council, for District purposes.

Of the President, Directors, and Stockholders, of the Cataragui Bridge; praying for certain amendments to their Act of Incorporation.

Of the Municipal Council of the Midland District; praying that the District be relieved from any liabilities for the costs of the Macadamized Road from Kingston to Napanee, and that the said Road be placed under the control of the Board of Works.

Of William Ketchison, junior, and others, late Boundary Line Commissioners for the District of Victoria; praying that an Act be passed to enable them to recover all arrears for their services under the Boundary Line Commissioners Act, now expired.

Of William Gordon, and others, of the Township of Drummond; praying for certain Amendments to the Common School Act.

Of the Superior and Directors of the Seminary of Quebec; praying that they may be empowered by an Act to acquire and hold additional property to the amount of £ 1000, currency, per annum.

Of Mrs. M.G.P. Painchaud, and other Directresses and Managers of the Charitable Association of the Roman Catholic Ladies of Quebec; praying an aid for the said Association.

Of Mrs. Susanna Smith, and other Ladies of the Quebec Infant School; praying an aid for the support of the said School.

Of William Baker, and others, Trustees for the Dunham High School; praying an aid for the support of the said School.

<u>Petitions referred.</u>	<u>Ordered</u> , That the Petition of the Superior and
<u>Superior &c. Quebec</u>	Directors of the Seminary of Quebec, be
<u>Seminary.</u>	printed in the English and French Languages,
	for the use of the Members of this House.

<u>Bishop of</u>	<u>Resolved</u> , That the Petition of the Lord Bishop of
<u>Montreal.</u>	Montreal, and others, be referred to a Special
	Committee of five Members to examine the contents
	thereof, and to report thereon with all convenient speed, with power to

send for persons, papers, and records.

Ordered, That Mr. Hale, the Honourable Mr. Neilson, Mr. L.M. Viger, Mr. Moore, and the Honourable Mr. Viger, do compose the said Committee.

W. Ketchison
and others.

Ordered, That the Petition of William Ketchison, Junior, and others, late Boundary Line

Commissioners for the District of Victoria be referred to the Committee of the whole House, appointed to consider the expediency of reviving and continuing so much of the Act of the Legislature of the late Province of Upper Canada of the 1st Victoria, Cap. 19, as will enable the Commissioners appointed under the said Act, to collect and obtain a settlement of such costs and expenses incurred by them in the execution of their trust, as still remain un-

liquidated.

Cataragui Bridge
Company.

Resolved, That the Petition of the President, Directors, and Stockholders, of the Cataragui Bridge, be referred to a Special Committee of

five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Henry Smith, Mr. Cartwright, the Honourable Mr. Harrison, Mr. Price, and Sir Allan N. MacNab, do compose the said Committee.

F.C. Mars &
other Pilots.

Resolved, That the Petition of François Cinq Mars, and other Pilots, for and below the Harbour of Quebec, presented to the House on the

second instant, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Solicitor General Aylwin, Mr. Christie, the Honourable Mr. Neilson, Mr. Taché, and the Honourable Mr. Morin, do compose the said Committee.

N. Arcand &
other Pilots.

Ordered, That the Petition of Narcisse Arcand and others, Pilots for and below the Harbours of Quebec and Montreal, presented to the House

on the second instant, be referred to the said Committee.

Standing
Committees.

The Honourable Mr. Attorney General Baldwin, from the Select Committee appointed to prepare and report lists of Members to compose the six standing Committees ordered by this House, on Thursday last, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Your Committee have proceeded in accordance with the Order of Your Honourable House, to the selection of the following lists of Members to compose the standing Committees, viz:--

1st.--On Privileges and Elections.

The Honourable Mr. Attorney General Baldwin,
 The Honourable Mr. Neilson,
 The Honourable Mr. Viger,
 The Honourable Mr. Black,
 Mr. Quesnel,
 Sir Allan N. MacNab, and
 The Honourable Mr. Moffatt.

2nd.--On Expiring Laws.

The Honourable Mr. Solicitor General Aylwin,
 The Honourable Mr. Sherwood,
 Mr. Christie,
 The Honourable Mr. Boulton, and
 Mr. L.M. Viger.

3rd.--On Private Bills.

The Honourable Mr. Attorney General Lafontaine,
 Mr. Price,
 Mr. Merritt,
 The Honourable Mr. Moffatt,
 The Honourable Mr. Black,
 Mr. Cartwright, and
 Mr. Boutillier.

4th.--On Standing Orders.

The Honourable Mr. Harrison,
 The Honourable Mr. Morin,
 The Honourable Mr. Boulton,
 The Honourable Mr. Neilson, and
 Sir Allan N. MacNab.

5th.--On Printing.

 Mr. De Witt,
 Mr. Morris,
 The Honourable Mr. Neilson,
 Mr. Thompson,
 Mr. George Sherwood,
 Mr. Barthe, and
 The Honourable Mr. Jones,

And 6th.--On Contingencies.

Mr. Holmes,
 Mr. Thorburn,
 The Honourable Mr. Moffatt,
 The Honourable Mr. Hincks,
 Mr. McLean,
 Mr. Roblin, and
 Mr. George Sherwood.

Report on Petition
of Adam Johnston
and others.

Mr. McLean, from the Select Committee to which was referred the Petition of Adam Johnston, and other Inhabitants of the third Concession of the Township of Cornwall, in the Eastern District, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

Your Committee having examined, fully and satisfactorily, the grounds upon which the Petitioners have based their prayer, and being led thereby to the conclusion that great inconveniences and much confusion must ensue from a change in the course of the side lines which the Inhabitants of the said Concession have held to, for the last forty years, and upwards; and that the only interest affected thereby is that of the Petitioners, who are all agreed that the line run by J. McCarty should be established and become permanent--Your Committee therefore recommend the prayer of the Petitioners to the favourable consideration of Your Honourable House.

Ordered, That the said Report be referred to a Committee of the whole House, on Friday next.

Intestate Estates
Bill.

Ordered, That Mr. Roblin have leave to bring in a Bill to provide for the more equal distribution of the property of persons dying intestate within that part of this Province formerly Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday the twentieth instant.

On motion of Mr. Holmes, seconded by the Honourable Mr. Hincks,

Bank of
Montreal.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the Act 4 & 5 Victoria, cap. 98, relating to the Incorporation of the Bank of Montreal, with a view of granting an extension of the time limited in the said Act for the calling in of the whole amount of the subscribed stock.

The House accordingly resolved itself into the said Committee.

*Mr. Price took the Chair of the Committee.*²

MR. HOLMES moved a resolution...with reference to the charter of the Bank of Montreal, to enable the stockholders, by an extension of time, to pay up the balance on their stock. The time to extend two years from 27th April next.³

MR. MOFFATT observed, that it was very surprising that the charter of the Bank of Montreal did not contain the clause empowering the Government to suppress its issues in case a Bank of Issue were established. Such was the intention of the Government and the impression of the Committee, when the House legislated on a recent occasion, upon all the Bank charters. Some of the Bank charters contained the provision; it was intended that all should, and since, to his surprise, he had found that that of Montreal did not. It was most extraordinary. If such were the confidence to be placed in Committee proceedings, it would become a paramount duty with every Member personally to watch and examine into a Bill clause by clause, until the last stage, previous to its becoming a law.⁴

SIR ALLAN MACNAB echoed the surprise of the Member for Montreal, being of opinion that a good opportunity now offered to introduce the clause.⁵

MR. CARTWRIGHT was of opinion that it had been omitted intentionally, as the charter of the Bank of British North America had been examined at the time, and it had been agreed to assimilate the other Bank charters to it. The clause referred to was not in the Commercial Bank charter, nor would that institution have accepted of it with such a proviso.⁶

MR. THORBURN said, that he was Chairman of the Committee at the time the Bank charters were acted upon. The intention was that in this particular they should be uniform; and until it had been found out to the contrary, such was the impression.⁷

MR. VIGER could hardly think it possible that it could be done with design. A Member of the House ought to be imbued with too much honour to have recourse to such base proceedings. Although it was possible to expect that every one would personally watch the progress of measures through the House, he would adduce an instance showing at all events the necessity of some degree of vigilance.⁸ ((Il)) rappela, à propos, que la Législature du Bas-Canada avait autrefois été surprise de la même manière⁹. A Bill was introduced by a particular Member to have merely a temporary effect. It passed the committee with this opinion, when, lo! to the astonishment of every one, it was found to be perpetual - and as a law continued thus.¹⁰ Il espérait que la chambre y regarderait de près, et sévirait comme il convenait, et comme elle avait été sur le point de le faire dans le cas qu'il citait, si vraiment elle avait cette fois encore dupe de sa confiance dans aucun de ses membres.¹¹

M. SIMPSON remarqua que la chambre ne pouvait être dupe que d'une erreur ou de sa négligence dans ce cas-ci; il dit que la chambre était convaincue que M. Holmes ne méritait pas le plus léger reproche.¹²

MR. AYLWIN thought that this was a serious charge and should be investigated; he thought that a favourable time, when the Bank asked for certain privileges, to rectify any mistake that had been committed, and was against granting the motion.¹³

L'honorable M. LAFONTAINE demanda que la chose fût remise pour donner aux membre (sic) le moyen de s'enquérir de la cause d'une pareille erreur qui produisait un très-mauvais (sic) effet dans son esprit.¹⁴

MR. AYLWIN, MR. LAFONTAINE and MR. BALDWIN, severally commented upon the suspicion which such a discovery had given rise to, in their minds; and expressed their determination to resist the motion, unless the advocates of the measure were disposed to place the Bank, by the insertion of this clause in the position which it was intended it should have been, at the time the charter was granted; the confidence of the House, in this instance, having apparently been betrayed.¹⁵

M. HINCKS...((a)) essayé plusieurs fois de rendre la chose sensible à la chambre.¹⁶

MR. SHERWOOD and MR. BOULTON expressed themselves adverse to the admission of any clause into the charter, that might have an ex post facto effect. Upon the faith of the charter, as it now stood, the stockholders had invested their capital: to insert this clause then, would materially affect their interests, and be an act of great injustice.¹⁷

MR. HOLMES pleaded ignorance upon the subject, the discovery not having been made by him, till after he had inspected the charter in his own office. There were other charters that did not contain the clause as well as the Montreal Bank. As to correctness or negligence regarding Bills passing through Committee, some of the charters, with reference to the limitation clause, had the blank filled up with two years, ~~some~~ with five years, and others were without any limitation at all.¹⁸

(34)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Price reported, that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

MR. DALY ¹⁹ presented a message from his Excellency the Governor-General.²⁰

The Speaker ((MR. CUVILLIER)), in support of the dignity of the House, informed the Hon. member that it was the duty of the Chief Secretary to present it personally at the Bar of the House²¹; il en appelle à l'assemblée si la dignité de la Chambre ne doit pas être maintenue²².

L'assemblée répond unanimement dans l'affirmative²³.

M. DALY reprend le message.²⁴

(34)

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

*M.S. Bidwell
Esq.*

Return to an Address of the House of Assembly, to the Governor General, praying that there be laid before that House, copies of any correspondence that may have passed with the Executive Government of this Province, since His Excellency's assumption of the Government thereof, respecting

(35)

the case of Marshall Spring Bidwell, Esquire, formerly Speaker of the Commons House of Assembly of the late Province of Upper Canada.

D. Daly, Sec.

*Secretary's Office,
Kingston, 10th October, 1842.*

(Copy.)

Mr. Robert Baldwin having been informed by Mr. Secretary Harrison, that, with reference to the case of Mr. Bidwell, which Mr. Baldwin had the honour of bringing under the notice of the Governor General, shortly after his assumption of the Government, His Excellency only requires a request to be made to him as a foundation for his directing that the pledge taken from that gentleman on his departure from Upper Canada, should be cancelled, and giving His Excellency's sanction for the introduction into Parliament of a Bill to restore to Mr. Bidwell the political rights, of which his residence abroad, under pressure of that pledge, has deprived him; Mr. Baldwin respectfully begs leave to make such request.

Wellington Street,
25th May.

(Copy.)

Secretary's Office, (West),
Kingston, 29th May, 1843.

SIR,

I am commanded by the Governor General to inform you, in reply to your note of the 25th instant, that His Excellency considers it right that whatever pledge may have been given by Mr. Bidwell, on his departure from Upper Canada to preclude his return, should be cancelled.

The letter of that gentleman to the then Lieutenant Governor, Sir F.B. Head, supposed to contain such a pledge, is not to be found in the archives of the Secretary's Office; I am therefore directed to say, that the pledge is considered as cancelled, and that the letter, if ever found, may be returned.

I am also further desired to acquaint you that, in the event of Mr. Bidwell's proposing to return, His Excellency will give his sanction to the introduction into Parliament, next Session, of a Bill to restore to that gentleman the political rights, of which his residence abroad, under the pressure of that pledge, has deprived him.

I have, &c.

(Signed,)

S.B. Harrison.

The Honourable Robert Baldwin.

Accommodation for
Committees.

Mr. Wakefield, from the Committee of the whole House on the Report of the Special Committee appointed to enquire what accommodation is afforded within the Legislative Building for the deliberation of the Committees of this House, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--
Resolved, That the sum of seventy-five pounds, currency, be charged to the Contingencies of the House, as necessary to furnish accommodation to the various Special Committees appointed by this House.

Revising and
amending 1
Vic. cap. 19.

The Order of the Day for the House in Committee to consider the expediency of reviving and continuing so much of the Act of the Legislature of the late Province of Upper Canada, of the 1st Victoria, cap.

19, as will enable the Commissioners appointed under the said Act, to collect and obtain a settlement of such costs and expenses incurred by them in the execution of their Trust as still remain unliquidated; and on the Petition of George Rykert, and others, late Boundary Line Commissioners for the Niagara District, and the Petition of William Ketchison, Junior, and others, late Boundary Line Commissioners for the District of Victoria, being read,
The House accordingly resolved into the said Committee.

Mr. Quesnel took the Chair of the Committee,²⁵

MR. THORBURN explained the necessity of the measure.²⁶

MR. BOULTON opposed it, as it would arm the Commissioners with power to issue executions to collect money for themselves, to any amount they pleased, without appeal, check, or limitation whatever. They had their remedy at law.²⁷

MR. PRICE also opposed it, and said the act had worked badly. In his neighborhood, a farmer employed a Surveyor to survey his farm, and he proved that every man in the entire concession was on his neighbor's lot. The Boundary Commissioners were applied to, and they employed another Surveyor, who differed from the former one, and also from the original Surveyor; and a third was called in, and he differed from them all. In the end, the farmer had to pay £ 65 for expenses.²⁸

MR. HINCKS also opposed the measure, and said his opponent at the election, was a Boundary Line Commissioner, and he challenged a vote that was offered for him, (Mr. H.) and it was found that he had got a deed of the man's whole farm of 200 acres, for having surveyed its boundaries.²⁹

MR. ROBLIN said, that was an extraordinary tale. It might do at the hustings, and if the hon. member for Oxford had lost one vote he had doubtless gained five or six by telling the story; but it must have been a poor farm, and this man a simpleton, if he gave his whole farm for surveying it. There was something more in this than he could understand. The act had worked well, in his county, and it was only justice, to grant the Commissioners power to reimburse themselves for expenses in performing duties imposed on them by law.³⁰

MR. CARTWRIGHT and MR. SMITH also thought something should be done to relieve the Commissioners, and not compel them to go to law to recover money expended in the performance of public duties.³¹

(35)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Quesnel reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Mr. Speaker having put the question--

Shall the Committee have leave to sit again?--

It passed in the negative.

Petition of Geo.

Rykert and others.

Resolved, That the Petition of George Rykert, and others, late Boundary Line Commissioners for the Niagara District; and the Petition of

William Ketchison, Junior, and others, late Boundary Line Commissioners for the District of Victoria, be referred to a Special Committee of five Members to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Boulton, Mr. Cartwright, Mr. Roblin,

Mr. Henry Smith, and Mr. Thorburn, do compose the said Committee.

Then, on motion of the Honourable Mr. Viger, seconded by Mr. Simpson,

The House adjourned.

APPENDIX, 11 OCTOBER 1843.

((NOTICE OF PROPOSED MOTIONS.))

MR. SHERWOOD moved for leave to bring in a Bill to make the Court of Queen's Bench and the Court of Chancery permanent in Toronto. (Hear! hear!)³²

33

((NOTICE OF MOTION TO INQUIRE INTO NAVIGATION OF ST. LAWRENCE.))

MR. SIMPSON moved for a Committee to inquire and report upon the feasibility of improving the navigation of the St. Lawrence from Kingston to Montreal, whether by the removal of obstructions, or the erection of light-houses. The House, it would appear from the Hon. Member's remarks, was indebted for this motion, to the discovery (which had been communicated to him) of a new passage at the Cedars, which opened the channel of the St. Lawrence from the Welland Canal to Gaspé; a discovery, in Mr. Simpson's opinion, of infinitely more importance than the discovery of the Northwest Passage. The depth of the water calculated upon was fourteen feet; an advantage that might be obtained by the erection of a few light-houses, and the removal of a few obstructions.³⁴

MR. JOHNSTON thought it might be left to the Board of Works.³⁵

MR. BALDWIN did not undervalue the importance of this discovery. He would, however, suggest the propriety of its being submitted to the House as a motion.³⁶

This was adopted.³⁷

((QUESTION AND ANSWER AND NOTICE OF PROPOSED MOTION RE: BEAUHARNOIS CANAL.))³⁸

MR. WAKEFIELD wished to ask from the gentlemen on the Treasury Benches, whether it was the pleasure of Her Majesty's Government to place troops upon the line of the Beauharnois Canal, and also whether the stipendiary magistrate³⁹, M. Laviolette,⁴⁰ had been removed from his situation, and if so, who was appointed?⁴¹

MR. SECRETARY DALY said, it was not the intention of the Government to place any troops there at present; that⁴² M. Laviolette⁴³ had been removed, and Capt. Wetherall appointed in his stead, with power to call for troops when the exigencies of the case might demand them.⁴⁴

MR. WAKEFIELD then gave notice of his intention to move, upon Thursday next, that an address be presented to his Excellency, to ascertain if the intentions of the late Government, with respect to this, were to be carried out.⁴⁵

((QUESTION AND ANSWER RE: BANKRUPTCY AND IMPRISONMENT FOR DEBT LAWS.))⁴⁶

MR. DEWITT inquired, if Government intended to bring in a bill to abolish imprisonment for debt.⁴⁷

MR. AYLWIN stated in answer...that it was not the intention of the Government to take the Bankrupt ordinance into consideration, or to bring in a bill abolishing imprisonment for debt, but that he, as an individual, having paid attention to these subjects, would likely find an opportunity, during the session, of doing so.⁴⁸

FOOTNOTES - 11 OCTOBER 1843.

1. "Petition from G.W. Yarker, John Ashley and 500 others, that lot No. 24 be included in the Corporation of Kingston." ST. CATHARINES JOURNAL, 26 October 1843.
2. The debate on this matter was reported in: MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts; LE CANADIEN, 16 October 1843, and L'AUREOLE, 14 October 1843, in identical accounts; LE CANADIEN, 23 October 1843, and LA MINERVE, 16 October 1843, in identical accounts; MONTREAL GAZETTE, 14 October 1843; ST. CATHARINES JOURNAL, 26 October 1843; KINGSTON CHRONICLE, 14 October 1843; and the EXAMINER, 18 October 1843, in an edited version of KINGSTON CHRONICLE, 14 October 1843.
3. MONTREAL GAZETTE, 16 October 1843.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. LE CANADIEN, 16 October 1843.
10. MONTREAL GAZETTE, 16 October 1843.
11. LE CANADIEN, 16 October 1843.
12. IBID.
13. KINGSTON CHRONICLE, 14 October 1843.
14. LE CANADIEN, 16 October 1843.
15. MONTREAL GAZETTE, 16 October 1843.
16. LE CANADIEN, 16 October 1843. It is obvious that Hincks spoke several times, but it is impossible from the reports of the debate to determine at which precise points his remarks were made. LE CANADIEN also commented that: "Sir Allan McNab et l'honorable M. Lafontaine parurent ne remporter aussi qu'une idée assez mal arrêtée de la chose".
17. MONTREAL GAZETTE, 16 October 1843.
18. IBID.
19. The following was reported in: LA MINERVE, 16 October 1843, and LE CANADIEN, 23 October 1843, in identical accounts; and also MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts.
20. MONTREAL GAZETTE, 16 October 1843.
21. IBID.
22. LA MINERVE, 16 October 1843.
23. IBID.
24. IBID.
25. The debate on this matter was reported in: ST. CATHARINES JOURNAL, 26 October 1843; and KINGSTON CHRONICLE, 14 October 1843.
26. ST. CATHARINES JOURNAL, 26 October 1843.
27. IBID.
28. IBID.
29. IBID.
30. IBID.

31. IBID.
32. MONTREAL GAZETTE, 16 October 1843.
33. This notice was reported in: LE CANADIEN, 23 October 1843; LA MINERVE, 16 October 1843; BRITISH COLONIST, 17 October 1843, and MONTREAL GAZETTE, 16 October 1843, in identical accounts; and KINGSTON CHRONICLE, 14 October 1843.
34. MONTREAL GAZETTE, 16 October 1843.
35. IBID.
36. IBID.
37. IBID.
38. This was reported in: LE CANADIEN, 23 October 1843; LA MINERVE, 16 October 1843; EXAMINER, 18 October 1843; ST. CATHARINES JOURNAL, 26 October 1843; and KINGSTON CHRONICLE, 14 October 1843.
39. KINGSTON CHRONICLE, 14 October 1843.
40. LA MINERVE, 16 October 1843. The Lower Canada papers, LE CANADIEN, LA MINERVE, and the Upper Canadian ST. CATHARINES JOURNAL, give his name as Laviolette, while the Upper Canada EXAMINER and KINGSTON CHRONICLE give it as La Beuly.
41. KINGSTON CHRONICLE, 14 October 1843.
42. IBID.
43. LA MINERVE, 16 October 1843.
44. KINGSTON CHRONICLE, 14 October 1843.
45. IBID.
46. The following was reported in: LA MINERVE, 16 October 1843; LE CANADIEN, 23 October 1843; EXAMINER, 18 October 1843; ST. CATHARINES JOURNAL, 26 October 1843; and KINGSTON CHRONICLE, 14 October 1843.
47. ST. CATHARINES JOURNAL, 26 October 1843.
48. KINGSTON CHRONICLE, 14 October 1843.

THURSDAY, 12 OCTOBER 1843.

(35)

Member for
Rouville.

THIMOTHEE FRANCHERE, Esquire, Member for the County of Rouville, having previously taken the oath, according to Law, and subscribed, before the Commissioners, the Roll containing the same, took his seat in the House.

Bonds and
Securities.

Mr. Speaker laid before the House the Registrar's Report of Bonds and Securities registered, in compliance with the Provincial Act 4 & 5 Victoria,

cap. 91.

(For the said Report, see Appendix L.)

25 Petitions
brought up.

The following Petitions were severally brought up, and laid on the table:--

By Mr. De Witt--The Petition of Edward March, of the Seigniorship of Lacolle, County of Huntingdon.

By Mr. Price--The Petition of Peter Freeland, and others, Manufacturers of Soap and Candles, in the City of Toronto.

By the Honourable Mr. Moffatt--The Petition of J. S. Brondgeest, and others, Proprietors of St. George's Chapel, Montreal.

By Mr. Morris--The Petition of Joshua Bates and others, inhabitants of the District of Johnstown; and the Petition of Billa Flint, and others, inhabitants of the District of Johnstown.

By Mr. Quesnel--The Petition of the Reverend Jean Romuald Paré, Rector of the Parish of St. Jacques de l'Achigan; and the Petition of L. M. Viger, Esquire, and others, Bankers in the City of Montreal.

By Mr. Wakefield--The Petition of Donald A. McDonald, of the County of Beauharnois, Trader and Contractor.

(36)

By the Honourable Mr. Viger--The Petition of Christophe Lauzon, and others, inhabitants of the Parishes of Ste. Rose, St. Martin, and other places.

By the Honourable Mr. Jones--The Petition of Curtis Goodsill and others, Assessors for the District of St. John's.

By Mr. Berthelot--The Petition of Joseph Laurin, as Attorney for certain Militiamen having served as such during the War with the United States; and the Petition of Alexandre Duperré, of Kamouraska, Notary.

By Mr. Parke--The Petition of Joseph Bouchette, of Kingston.

By Mr. Boutillier--The Petition of the Montreal Medical Board.

By Mr. Leslie--The Petition of the Reverend J. Durocher and other Inhabitants of the Parish of Beloeil, in the District of Montreal; and the Petition of William Phillips, and others, of Quebec.

By Mr. Holmes--The Petition of Benjamin Burland, Gauger, and Louis C. Vandal, and William Leggett, Land Waiters at the Port of St. John's, Canada East.

By Mr. Papineau--The Petition of Thomas H. Day and others, Inhabitants of the Inferior District of Sydenham.

By Mr. L. M. Viger--The Petition of Ignace Raizerme, of the Parish of St. Benoit, Notary.

By Mr. Christie--The Petition of Antoine Charles Taschereau, Esquire, Representative for the County of Dorchester.

By Mr. Merritt--The Petition of John Goodwin and others, Members of the Baptist Church at Beamsville, in the District of Niagara.

By Mr. Henry Smith--The Petition of the Kingston Marine Railway Company; and the Petition of J. A. P. Barbier, and Mrs. Euphrasie Barbier, his wife.

By the Honourable Mr. Solicitor General Aylwin--The Petition of George Poyer, Esquire, of the City of Quebec.

By the Honourable Mr. Neilson--The Petition of George Arnold, and others, of Quebec.

By Sir Allan N. MacNab--The Petition of James Morton, and others, of the town of Kingston.

Census Lower Canada.

An engrossed Bill for taking the Census of the inhabitants, of Lower Canada, and for obtaining certain statistical information therein mentioned, was read for the first time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Lafontaine do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the order of the day, the following Petitions were read:--

Of the Reverend Messieurs Brassard and Mignault, Rectors of Longueuil and Chambly, and of other inhabitants of the said Parishes; praying that the Ordinance 4 Victoria, cap. 16, establishing the Chambly Turnpike Road may be so amended as to allow the inhabitants to pass free of toll, when going to, or returning from Divine Service; and so that the Priests having the care of souls in the said Parishes, may pass free from toll when travelling in the exercise of their Ministry.

Of Joseph Bessette, and other Proprietors of lands on the line of the Chambly Canal; complaining of damages from the leakage of the said Canal, and praying relief.

Of Edmund Peel, and others, inhabitants of the County of Stanstead; praying for the re-establishment of the Commissioners' Courts, in Lower Canada.

Of Andrew Patton, Land Waiter to the Custom House in the Township of Stanstead; praying for an increase of salary.

Of Robert Hoyle, Collector of Customs at Stanstead; praying for an increase of salary.

Of H. St. Germain and J. G. Laviolette, of the Parish of St. Eustache, in the District of Montreal; praying to be authorized to construct a Bridge across the River Jesus.

Of Charles Hébert, Messenger of the Quebec District Council; complaining of the non-payment of his wages by the said Council, and praying relief.

Of the Venerable George O'Kill Stuart, and others, Freeholders and Householders in Lot No. 24, in the first Concession of the Township of Kingston; praying that the limits of the Town of Kingston be not extended so as to include the said Lot No. 24 within its jurisdiction.

Of the Reverend P. Beaumont, and others, Inhabitants of the Parish of St. Jean Chrysostome, in the Seignory of Lauzon, in the County of Dorchester; praying that a Grist Mill may be built in the said Parish; or that the Inhabitants may be allowed to construct one for themselves.

Of the Reverend C. F. Cazeau, and others, of the City of Quebec, Members of the Congregation of our Lady (Congregation de Notre Dame); praying to be Incorporated as a Charitable Association.

Of J. B. Laviolette, Stipendiary Magistrate on the Beauharnois Canal, in the District of Montreal; praying an indemnity for losses sustained by him during the late Rebellion.

Of Thomas A. Corbett, and others, of the Town of Kingston; praying to be Incorporated under the Title of "The Trust and Loan Company of Upper Canada."

Alex'r Fraser. Ordered, That the Petition of Alexander Fraser, of the Parish of St. Valter, presented to the House on the second Instant, be referred to the Standing Committee on Private Bills.

Mr. Chesley, from the Select Committee to which was referred the Petition of Alexander McDonald, and others, Inhabitants of the Indian Reservation in the Eastern District, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

Your Committee have taken into their consideration the case of the Petitioners, and beg to report to your Honourable House their unanimous opinion that the prayer of the Petitioners ought to be granted. Your Committee therefore beg leave to recommend the propriety of passing a

Bill to confer on the Petitioners the privileges prayed for.

Mr. Chesley moved, seconded by Mr. Johnston, that the said Report be referred to a Committee of the whole House on Tuesday next.¹

MR. AYLWIN regarded the subject as of too much importance to be disposed of hastily. The late disclosure made to the House, made it necessary to watch every measure with the eye of a lynx. As long as he continued to be a Member of the House and occupied his present position, it should never again be said, that smuggling transactions were carried on in it.²

(36)

The Honourable Mr. Solicitor General Aylwin moved, in amendment, seconded by the Honourable Mr. Solicitor General Small, that all the words after "That" in the said motion be struck out, and the following substituted: "The said Report be recommitted, and that the Committee be enjoined to take evidence upon the subject reported upon, and that they do report such evidence to the House."

SIR A. MACNAB, - it was the duty of the House to inquire into the petition of those persons who held leases for 999 years. They had been granted in 1792. In England, a life interest gave a vote. The petitioners had made extensive improvements on the lands and the privilege sought for, ought to be extended to them.³

MR. SIMPSON observed, that it was desired merely to grant to the people in Upper Canada, the same privileges as enjoyed in Lower Canada.⁴

MR. SMALL said, that the leases were held in contravention of the law - they were granted by the Indians, who, it was well known, did not possess the power.⁵

MR. MORRIS opposed the motion on the same grounds.⁶

MR. D. B. VIGER was of opinion, that the matter ought to be referred at once to a committee of the whole.

MR. CHESLEY in explanation, stated, that although the committee had not gone more fully into the matter in the Report, every satisfactory information had been furnished to them by him. He had been agent for the Indian Lands in the Eastern District in Upper Canada for the last twenty-three years, and also for a tract of 18,000 acres in Lower Canada. In the latter tract, leases were granted by the Indians from 30 to 999 years, and those holding them were allowed to vote. All he desired therefore was, that similar rights in Upper Canada should be entitled to similar privileges.⁸

(36)

The question having been put upon the motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put on the main motion, as amended, it was agreed to by the House, and

Ordered, Accordingly.

(37)

On motion Sir Allan N. MacNab, seconded by the Honourable Mr. Moffatt,

Russell
Elections.

Ordered, That the Petition of Alexander Findlay and other Electors of the County of Russell, complaining of the undue election and return of William Stewart, Esquire, be taken into consideration by this House, on the twenty-third day of October, instant, at the hour of three o'clock, P.M., and that notice to that effect, in writing, be forthwith given, by the Speaker, to the Petitioners and the sitting Member, according to the Provision of the second clause of an Act passed by the Parliament of Upper Canada, during the fourth year of the Reign His late Majesty King George the IV. Cap. 4.

Education.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Return to an Address of the Legislative Assembly, bearing date, the 6th of October, 1842, "praying for information in regard to the several Institutions of Education in this Province, receiving grants of the Public money."

(For the said Return see Appendix M.)

Also,

Montreal and
Quebec
Turnpikes.

Return to two Addresses from the Legislative Assembly, bearing date the 10th of October, 1842, "praying for certain information to be furnished by the Trustees of the Montreal and Quebec turnpike

roads."

(For the said Return see Appendix N.)

And also,

Canada Corn
Laws Act.

Return to an Address from the House of Assembly, dated 5th October, 1843, praying for "Copies of all Despatches and Communications with the Home Government relating to the Canada Corn Law and British Possessions Act, since the second March, 1842."

(For the said Return see Appendix O.)

On motion of Mr. Child, seconded by Mr. Dunlop,

Preservation of Fish.

Ordered, That it be an Instruction to the Special Committee, to which was referred the Petition of Uriah Jewett, and other Inhabitants of the County of Stanstead, praying for the preservation of the fish called "Lunge" or "Maskinongé," during the spawning season, to extend the inquiry, and consider whether it would not be well to provide a general measure of that kind for the preservation of all kinds of fish in the fresh waters of Canada, during the spawning season, with power to report from time to time.

Customs.

Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Steam Vessels.

Ordered, That Mr. Hale have leave to bring in a Bill to regulate Steam Vessels in this Province.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday, the twenty-fourth instant.

On motion of Mr. Christie, seconded by Mr. McLean,

Prudent Blanchette.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause

to be laid before this House a copy of the Indictment and record of the trial and conviction of Prudent Blanchette, by the late Court of Oyer and Terminer, holden at New Carlisle, in the Inferior District of Gaspé, of manslaughter.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Addresses on Birth of Princess.

Resolved, That a Select Committee composed of the Honourable Mr. Attorney General Baldwin, the Honourable Mr. Attorney General Lafontaine, and

Sir Allan N. MacNab, be appointed for the purpose of preparing an humble Address to be presented to Her Majesty, offering to Her Majesty the cordial congratulations of this House, on the Birth of another Princess, and a similar Address, to be presented to His Royal Highness, Prince Albert.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Hincks.

King's College. Resolved, That this House do now resolve itself into a Committee of the whole House to consider the expediency of amending certain Acts of the Parliament of the late Province of Upper Canada relative to King's College, and the other Collegiate Institutions of that part of this Province.

The House accordingly resolved itself into the said Committee. Captain Steele took the Chair of the Committee,⁹

MR. BALDWIN moved for leave to bring in a Bill to amend the laws relating to King's College, and similar institutions in this Province. The learned Attorney General stated, that it was intended by the Bill to confine the powers of the University to one institution, with the view of uniting all classes in favour of it. There were at present several institutions of the kind, - King's College, Regiopolis College, Queen's College, and Victoria College, By this Bill there would be only one, in the government of which, every denomination would have a share.¹⁰ ((It would)) ... take away from the University the denominational character, if he might use the term, which had been so loudly complained of.¹¹ Unless this could be effected, the University would be a failure!¹²

DR. DUNLOP said he rose most willingly to second the motion. He concurred in the views now stated, and would therefore lend his assistance most willingly to improve and liberalize the University as far as possible.¹³

MR. SHERWOOD thought the course pursued by Government towards that institution was most unjust, a course which instead of promoting tranquillity would be a precedent to interfere with other institutions in the Lower Province.¹⁴ (Hear! hear!)¹⁵

Hon. MR. AYLWIN would set the hon. gentleman right in this respect. There were no Colleges in the Lower Province upon the same footing as the University at Toronto. Those in the Lower Province were founded by private grants, but King's College by a public one.¹⁶ ((Therefore)) the Bill could not affect Lower Canada, as they were upon a different principle.¹⁷

(37)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain Steele reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend certain Acts of the Provincial Parliament of Upper Canada relating to King's College

and the other Collegiate Institutions of that part of this Province.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto in Upper Canada; for Incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University, and for the more efficient establishment and satisfactory Government of the same.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday the sixth of November next.

Adverse Claims.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill to enable Courts of Law, in that part of this Province called Upper Canada, to give relief against adverse claims made upon persons having no interest in the subject of such claims.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Bank of Montreal.

Mr. Price from the Committee of the whole House to consider the expediency of amending the Act 4 & 5 Victoria, cap. 98, relating to the Incorporation of the Bank of Montreal, with a view of granting an extension of the time limited in the said Act for the calling in of the whole amount of the subscribed Stock, reported, according to Order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

(38)

Resolved, That it is expedient to amend the Act 4 & 5 Victoria, cap. 98, relating to the Incorporation of the Bank of Montreal, for the purpose of granting an extension of the time limited by the said Act for the calling in of the whole amount of the new stock.¹⁸

MR. HOLMES said that he would beg the indulgence of the House to advert to what had occurred last night in that House, and to present the facts of the case. The clause under which the Bank was acting, required of stockholders, who had subscribed a certain share, to pay it within 2 years. These terms were complied with, and the amount of stock paid up was almost 50 per cent of the whole amount. The Montreal Bank had been induced to make this application because other Banks had obtained a term of 5 years. In the debate which had taken place certain charges had been made which he would now refute. He had been charged with disreputable conduct.¹⁹

Here the Speaker ((MR. CUVILLIER)) called Mr. Holmes to "order."²⁰

((MR. HOLMES continued.)) Well then, he would simply observe , that since he had the honour of a seat in that House, he had endeavoured so to conduct himself as to avoid anything selfish or to strive to obtain privileges not granted to others. He would call upon one hon. gentleman²¹ -

Order by the Speaker ((MR. CUVILLIER))²²

SIR ALLAN MACNAB thought that when a charge was made against any hon. gentleman, that he had a right to offer an explanation in his own justification.²³

((MR. HOLMES stated:)) An hon. gentleman in whom this House had confidence, has made a charge against some one of smuggling a clause through the House. To that hon. gentleman he appealed, and he hoped a committee of investigation would be called , so that if anything like the smuggling of a word or paragraph has been attempted, it may be discovered. He held that to be the most disreputable, and infamous conduct of which any man could be guilty, and he hoped an investigation would be made, so that if any gentleman should so far insult this House, he might be properly punished.²⁴

MR. AYLWIN said that the Montreal Bank was one of the largest of all the chartered monied institutions of the Country, and when it comes forward and asks for an extension of privileges - the question is, is it entitled to it. When this matter was discussed it appeared that among other advantages, it possessed an advantage over others where charters were framed so as not to stand in the way in case of the establishment of a Bank of issue. This one was exempt, and it occurred (sic) to him (Mr. Aylwin) when it came forward to look for privileges whether it should not be placed upon the same footing. But since then a fact has come to his knowledge which alters the case materially. He had learned that the commercial Bank of the Midland District was in the same position, and possessed this further advantage, that the time allowed for the payment of stock instead of being two years, as in the Montreal Bank, is extended to five. This being the case he now felt disposed to take a totally different view. He would now ask how the Commercial Bank of the Midland District obtained these advantages over all others and over the Bank of Montreal? This demanded investigation, and the motion of the hon. member for Montreal is highly important. The hon. gentleman animadverted severely upon the conduct of those who would be guilty of smuggling a Bill through the House contrary to the wishes of the Legislature, and concluded by stating that the hon. gentleman, the member for Montreal, had said enough to convince him that he was clear, but he would not say what impression remained upon his mind respecting the conduct of another gentleman. Having said this he would only

mention that he would move for an enquiry into the circumstances and if such a charge was substantiated he would move for his expulsion from this House. He would have voted against the measure but for this; but when all other Banks came to ask for privileges then they ought and must be compelled to submit to be placed upon the same principles as others.²⁵

MR. BOULTON regretted that the observations were calculated to throw aspersions upon some member or other of this House. The hon. member must have somebody in his mind's eye, and if he did not bring him before the House, he himself would be deserving of²⁶ -

Order by ((MR. CUVILLIER)) the Speaker.²⁷

MR. MOFFATT said that he had made no charge whatever in the observations he had made yesterday. When the hon. member made his motion for the granting of an extension of time, he stated that something had taken place in passing the Charter through the House, which he (Mr. M.) did not understand and noticed the omission of the clause in it as in another Bank. There were four charters obtained that Session, among which, this was one. He was ignorant of who were on the Committee, for he was not in the House, and thought it might have arisen from neglect. It was, however, the understanding of the House, that all Bank Charters should be the same. He need not move, therefore, for inquiry, when there was no charge. - Such omissions as that noticed, might arise from ignorance.²⁸

(38)

Ordered, That Mr. Holmes have leave to bring in a Bill to amend the Act Incorporating the Bank of Montreal, by providing for the extension of the time limited for the paying up of the new stock of the said Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Administration of Justice, Lower Canada.

The Order of the Day for the second reading of the Bill to amend the Law relative to the Administration of Justice in Lower Canada, being read,

Ordered, That the said Order of the Day be postponed until Monday next, and that it be then the first Order of the Day.

Judges independence.

A Bill to render the Judges of the Court of King's Bench, in that part of this Province, heretofore Lower Canada, independent of the Crown, was, according to order, read a second time.²⁹

Hon. MR. AYLWIN said the Bill before the House was almost a transcript of the Bill passed in Upper Canada, for securing the independence (sic) of the Judges. The passing of such a bill might be a work of supererogation, for no one would now think of placing the crown over the law; you, Mr. Speaker, had seen three of the Judges of the land suspended by the arbitrary act of the Queen's Representative, and for what? for rendering a judgment unpalatable to him and those by whom he was surrounded. As to the legality of the act, he would not now stop to inquire; he had expressed an opinion which he hoped he would not alter to his dying day; but since it was in the power of the Representative of Her Majesty to suspend the Judges, it was a power which the law should take away. These three courageous Judges, however, in spite of all the persecution with which they were assailed, reascended the Bench, and one of them has the honor of being the first Catholic and Canadian Chief Justice in Canada - he meant Valiere de St. Real. When first he was in this House, he introduced a bill similar to this one; it passed the House, but was lost in the Legislative Council. He admitted that Judges, being the only persons that were not under control, might be bad - bad judges and bad men; but when anyone committed any malversation, the Bill provides that it be laid before the Legislature, and by them transmitted to the Privy Council for investigation.³⁰ The motives imputed to him (Mr. Aylwin) for having again brought forward this measure, in justice to those upright and courageous Judges, had been called clap-trap and "bunkum." He cared not for it, he was serious in his views.³¹

DR. DUNLOP had the honor to second this measure when it was last proposed, and now he had the honor of again seconding it. He was determinedly opposed to the gentlemen on the treasury benches, but in a measure like this, conformable to the Constitution of Great Britain, they would find no warmer supporter. The independence of the Judges was so essential to public liberty, that he would ever support it.³²

MR. MOFFATT regretted that the hon. gentleman had not let by-gones be by-gones. He would support the motion, but could not help referring to the remarks made concerning the mode of proceedings when an accusation is made against the judges. He thought, it should be investigated at home, where the defence might go before the public.³³

(38)

Ordered, That the said Bill be engrossed.

Provincial
Customs.

A Bill to repeal the Acts, Ordinances, and provisions of Law therein mentioned, relative to the management and regulation of the Provincial Customs, and to Duties of Customs, and other Duties imposed by Provincial Laws, and to the Licensing of Tavern Keepers and Vendors of Spirituous

and other Liquors, Auctioneers, Distillers, Hawkers and Pedlars, and Keepers of Billiard Tables, was, according to order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Viger took the Chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Viger reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Then, on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Attorney General Baldwin.

The House adjourned.

APPENDIX, 12 OCTOBER 1843.

((WITHDRAWN MOTION RE: INVESTIGATING NAVIGABILITY OF NEW CHANNEL IN CEDAR RAPIDS.))³⁴

MR. SIMPSON moved, in pursuance of a notice, that a select committee be appointed to report upon the new channel discovered in the Cedar Rapids³⁵, of the St. Lawrence, in order to render it available for the purpose of Navigation.³⁶

MR. AYLWIN expressed his surprise that the Member for Vaudreuil (sic) should make such a motion. Such matters devolved entirely upon the Government, who were fully alive to the importance of the discovery, and desirous of promptly adopting every means to make it a useful one.³⁷ D'ailleurs la nomination d'un comité était prématurée, ... il appartenait à M. Killaly, président du bureau des travaux de s'en occuper, et sur lequel on pouvait reposer toute confiance, etc.³⁸

MR. ((HENRY)) SHERWOOD commented upon the doctrine of the Solicitor General East, remarking, that no measure would be brought before the House without their being told by the learned gentleman that it was a matter wholly within the Province of the Government. In this case it was merely desired that a matter of vast importance should be submitted to a committee, subject to any further action on the part of the House. Could he (Mr. Sherwood) have contemplated the improvement that had been effected in steam navigation, and in the channel of the River St. Lawrence, he would never have consented to the great outlay upon the works now in progress.³⁹

M. HINCKS dit que M. Aylwin ne s'est pas opposé à la mesure, mais qu'il désirait qu'elle fut référée au département auquel elle appartenait, au bureau des travaux qui était responsable à la Chambre.⁴⁰ Since we had a Board of Works they were the proper parties to make such inquiries; and that if their work was to be done by committees that there was no use in having it at all.⁴¹

MR. KILLALY replied, that this was another proof of the value of the works alluded to, as in case large vessels, drawing many feet of water, passed down the rapids, they could not return without the great works now in operation, the Rideau being too small. The instant the discovery was made known to him, he had written to the Chief Engineer to put himself in communication with the Pilot at the Coteau du Lac, and after having taken the bearings of the channel to make a nautical survey, to furnish a detailed report of all the proceedings.⁴²

CAPT. STEELE inquired (sic) how it was that the country had been governed several hundred years by the British, without such a discovery having been made before (Much laughter!) To what, he should like to know, were they indebted for this discovery?⁴³

Cries, the Union, much laughter.⁴⁴

((CAPT. STEEL continued:)) The Union it would appear then had done some good. It was represented as a discovery equal to that of the North West Passage. As such, it was entitled to a reward.⁴⁵

M. MOFFATT, dit que le gouvernement aurait dû s'emparer de cette question de suite, et censure la manière dont les travaux d'améliorations (sic) ont été conduits.⁴⁶

M. LAFONTAINE dit que depuis l'Union quantité de découvertes avaient été faites, et qu'on avait ouvert les yeux sur quantité de choses qui n'avaient pas encore été aperçues (sic)! Que le gouvernement avait l'oeil ouvert sur les améliorations à faire à la navigation du St. Laurent; qu'il remerciait l'hon. membre pour Vaudreuil de la bonne volonté qu'il apportait à retirer sa motion.⁴⁷

The motion was withdrawn ((by Mr. Simpson)).⁴⁸

((MOTION TO CONSIDER SEAT OF GOVERNMENT.))⁴⁹

Hon. MR. BALDWIN moved for a call of the House to consider the question of the Seat of Government on the 2nd of Nov. next.⁵⁰

FOOTNOTES - 12 OCTOBER 1843.

1. The debate on the following was reported in: MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts; and LA MINERVE, 16 October 1843, which was copied by LE JOURNAL DE QUEBEC, 19 October 1843, and by LE CANADIEN, 23 October 1843.
2. MONTREAL GAZETTE, 16 October 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID. LA MINERVE, 16 October 1843, says Mr. Morris spoke between Small and Viger, making precisely the same comment as MONTREAL GAZETTE and BRITISH COLONIST report Morris as having made.
7. MONTREAL GAZETTE, 16 October 1843.
8. IBID.
9. The debate on this matter was reported in: KINGSTON CHRONICLE, 14 October 1843, EXAMINER, 18 October 1843, and BATHURST COURIER, 23 October 1843, in identical accounts; MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts; and LA MINERVE, 16 October 1843, which was copied by LE JOURNAL DE QUEBEC, 19 October 1843, and by LE CANADIEN, 23 October 1843.
10. MONTREAL GAZETTE, 16 October 1843.
11. KINGSTON CHRONICLE, 14 October 1843.
12. MONTREAL GAZETTE, 16 October 1843.
13. KINGSTON CHRONICLE, 14 October 1843.
14. IBID.
15. MONTREAL GAZETTE, 16 October 1843.
16. KINGSTON CHRONICLE, 14 October 1843.
17. MONTREAL GAZETTE, 16 October 1843.
18. The debate on this matter was reported in: MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts; KINGSTON CHRONICLE, 14 October 1843, and BATHURST COURIER, 23 October 1843, in identical accounts; and LA MINERVE, 16 October 1843, which was copied by LE JOURNAL DE QUEBEC, 19 October 1843, and by LE CANADIEN, 23 October 1843.
19. KINGSTON CHRONICLE, 14 October 1843.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. The debate on this matter was reported in: LE JOURNAL DE QUEBEC, 19 October 1843; MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts both of which mistakenly reported the bill as having gone through its third instead

of second reading; KINGSTON CHRONICLE, 14 October 1843, EXAMINER, 18 October 1843, and BATHURST COURIER, 23 October 1843, in identical accounts; and L'AUREOLE, 17 October 1843.

30. KINGSTON CHRONICLE, 14 October 1843.

31. MONTREAL GAZETTE, 16 October 1843.

32. KINGSTON CHRONICLE, 14 October 1843.

33. IBID.

34. The following was reported in: LA MINERVE, 16 October 1843, which was copied by LE JOURNAL DE QUEBEC, 19 October 1843, and by LE CANADIEN, 23 October 1843; MONTREAL GAZETTE, 16 October 1843, and BRITISH COLONIST, 17 October 1843, in identical accounts; and KINGSTON CHRONICLE, 14 October 1843, EXAMINER, 18 October 1843, and BATHURST COURIER, 23 October 1843, in identical accounts.

35. MONTREAL GAZETTE, 16 October 1843.

36. KINGSTON CHRONICLE, 14 October 1843.

37. MONTREAL GAZETTE, 16 October 1843.

38. LA MINERVE, 16 October 1843.

39. MONTREAL GAZETTE, 16 October 1843.

40. LA MINERVE, 16 October 1843.

41. KINGSTON CHRONICLE, 14 October 1843.

42. MONTREAL GAZETTE, 16 October 1843.

43. IBID.

44. IBID.

45. IBID.

46. LA MINERVE, 16 October 1843.

47. IBID.

48. MONTREAL GAZETTE, 16 October 1843.

49. This matter was reported in: KINGSTON CHRONICLE, 14 October 1843, EXAMINER, 18 October 1843, and BATHURST COURIER, 23 October 1843, in identical accounts.

50. KINGSTON CHRONICLE, 14 October 1843.

FRIDAY, 13 OCTOBER 1843.

(38)

Russell Election.

MR. SPEAKER acquainted the House that Archibald Petrie, John Marks, and Donald McDonald, had entered into the usual recognizance required by law, on the subject matter of the Contested Election for the County of Russell.

10 Petitions brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Moore--The Petition of G. B. Cleveland, and others, of the Seigniorship of Nicolet, and other places.

By Mr. Thompson--The Petition of John Millar, of the Township of Bertie, in the District of Niagara.

By Mr. Hopkins--The Petition of the Municipal Council of the Gore District.

By Mr. Papineau--The Petition of the Reverend Pierre Ménard, and others, Inhabitants of the Parish of St. Benoit.

By the Honourable Mr. Neilson--The Petition of the Committee of Ladies conducting the affairs of the Protestant Female Orphan Asylum at Quebec; and the Petition of the President and Members of the Quebec British and Canadian School Society.

By the Honourable Mr. Sherwood--The Petition of Mrs. Margaret Powell, late House-keeper to the Executive Council in Upper Canada.

By Mr. Henry Smith--The Petition of Mrs. Prudence Richardson, of Barrie, in the District of Simcoe.

By the Honourable Mr. Hincks--The Petition of the Members of the Executive Committee of the Canada Baptist Union.

By Mr. Holmes--The Petition of the Minister, Elders, and Trustees of St. Paul's Church, at Montreal.

Judges Independence.

An engrossed Bill to render the Judges of the Courts of King's Bench, in that part of this Province heretofore Lower Canada, independent of the Crown, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Aylwin do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Loop Odell, of Napierville; praying for the re-imbursement of certain sums of money expended by him as a Commissioner under the Act for the erection of Court Houses and Gaols in the Country Parishes.

Of John G. Lansing and other inhabitants of the Seigniorship of Lacolle; praying to be indemnified for losses sustained by them through

incendiarism.

Of Olivier Valois, and others, Freeholders of the Parish of Isle du Pads, in the District of Montreal; praying the passing of an Act to authorize them to make regulations concerning the said Common.

Of Joshua Y. Cozens, of the Town of Cornwall; praying compensation for a tract of land, purchased by him from the Six Nations Indians, and afterwards ceded by Government to the Honourable Thomas Clark, for the consideration of £5000.

Of H. W. Hitchcock, and others, inhabitants of the Township of Hatley, in the District of St. Francis; praying for the opening of a Road in the said District, under the superintendence of the Board of Works.

Of the Municipal Council, and other inhabitants, of the County of Ottawa, in the District of Sydenham; praying for pecuniary aid for the purpose of making a Road in the said District.

Of Charles Symes, and other inhabitants of the County of Ottawa; praying for the erection of the County of Ottawa into an Inferior District.

Of the Reverend Joseph Desautels, of the Township of Hull, in the District of Ottawa; praying aid to complete the building of a School House in the said Township.

Of the President and Governors of the Montreal General Hospital, praying for a grant to relieve the present embarrassed state of the finances of the said Hospital.

(39)

Of the Mercantile Library Association of Montreal; praying for an Act of Incorporation.

Of the Honourable Peter McGill, and others, of the City of Montreal; praying for an aid in support of "The High School of Montreal."

Of the Municipal Council of the Gore District; praying that the line drawn by the Boundary Line Commissioners, between the Districts of Gore and Niagara, on the River Ouse, be established by Law.

Of the Municipal Council of the Gore District; praying for agricultural protection.

Of the Municipal Council of the Gore District; praying for a repeal of the Division Courts, and the establishment of Courts of Requests.

Of Thomas Kains, and others, inhabitants of the left bank of the River Ottawa; praying for aid to complete a Road, and to construct Bridges between Grenville and Hull.

Of George Bridgman, and others, Leather Manufacturers and Dealers, in Canada East; praying that the Duty on Leather imported into this Province from the United States, be raised to its former rate.

Of W. G. Blanchard, and others, inhabitants of the County of The Lake of Two Mountains; praying for the improvement of the road from the Village of Carrillon to the Township of Grenville.

Of Patrick Brennan, of the City of Montreal; praying to be relieved from the liabilities of a public Contract, which he was unable to fulfil, by reason of the severity of the past winter.

Of G. W. Yarker, and other inhabitants of the County of Frontenac; praying that Lot No. 24, in the first Concession of the Township of Kingston, be annexed to the Town of Kingston.

Of W. Ketchison, Junior, and T. D. Appleby, of the District of Victoria, and P. V. Elmore, of the Town of Kingston; praying to be relieved from the heavy pecuniary responsibilities they are subjected to, in consequence of the expiration of the Act under which they were appointed Boundary Line Commissioners for the District of Victoria.

Of Albert G. Alexander, of the Township of Hamilton, in the Newcastle District; praying for the passing of an Act of Naturalization in his behalf.

Of Robert Barclay, and others, Stone Masons, of the Town of Kingston; complaining of losses they have sustained by the non-fulfilment of a public contract in consequence of the late Rebellion, and praying relief.

Of the Reverend Mr. Ducharme, Rector of the Parish of Blainville, in the County of Terrebonne; praying a grant of £500 as an aid towards the support of the College of Ste. Thérèse, established in the said Parish.

Of the Fourth Riding Agricultural Society of the County of York; praying an alteration in the mode of distributing the money granted by Parliament for the encouragement of Agricultural Societies.

Of the Reverend John Cook, and other Directors of the Quebec High School; praying a grant in aid of the said Institution.

Of Julia Bell, wife of Aeneas Bell, Chief Messenger of the late House of Assembly of Upper Canada; praying remuneration for her services in the capacity of House Keeper to the late House of Assembly of Upper Canada, from the year 1833, until the time of the Union.

Petitions referred. Resolved, That the Petition of E. M. Leprohon, and others, Inspector and Assistant Inspectors of Pot and Pearl Ashes, of the City of Montreal, presented to the House on the fourth Instant, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered--That Mr. Holmes, Mr. Leslie, the Honourable Mr. Moffatt, Mr. De Witt, and Mr. Quesnel, do compose the said Committee.

Montreal City Corporation. Resolved--That the Petition of the Mayor, Aldermen, and Citizens of the City of Montreal, presented to the House on the sixth Instant, be referred to a Special Committee of five Members to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered--That Mr. Holmes, Mr. L. M. Viger, the Honourable Mr. Neilson, the Honourable Mr. Moffatt, and Mr. Quesnel, do compose the said Committee.

Addresses on birth of Princess. The Honourable Mr. Attorney General Baldwin, from the Select Committee appointed for the purpose of preparing an humble Address to be presented to Her Majesty, offering to Her Majesty the cordial congratulations of this House, on the Birth of another Princess, and a similar Address to be presented to His Royal Highness Prince Albert; presented to the House the Addresses prepared by the said Committee, which Addresses were again severally read at the Clerk's table, and agreed to by the House, and are as followeth:

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, most humbly beg leave to tender to Your Majesty our cordial congratulations on the Birth of another Princess; an event in which we sincerely rejoice not only as conducive to the domestic happiness of Your Majesty and Your August Consort, but as deeply interesting to all parts of Your Majesty's Dominions.

To His Royal Highness Prince Albert, Francis, Augustus, Charles, Emanuel, of Saxe Cobourg Gotha, Field Marshall in Her Majesty's Forces.

MAY IT PLEASE YOUR ROYAL HIGHNESS:

We, Her Majesty's dutiful and loyal Subjects, the Commons of Canada in Provincial Parliament assembled, most humbly beg leave to tender to Your Royal Highness, our cordial congratulations on the Birth of another Princess; an event in which we sincerely rejoice, not only as conducive to the domestic happiness of Your Royal Highness and Our Most Gracious Sovereign, but as deeply interesting to all parts of Her Majesty's Dominions.

Ordered, That the said Addresses be engrossed.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by Sir Allan N. MacNab,

Resolved, That an humble Address be presented to His Excellency, the Governor General, informing His Excellency, that this House hath voted an humble Address of Congratulation to Her Majesty, on the birth of another Princess, and praying that His

(40)

Excellency would be pleased to transmit the said Address to Her Majesty's Government in England, to be laid at the foot of the Throne.

Resolved, That an humble Address be presented to His Excellency, the Governor General, informing His Excellency that this House hath voted an humble Address of Congratulation to His Royal Highness Prince Albert of Saxe Cobourg and Gotha, on the birth of another Princess, and praying that His Excellency would be pleased to transmit the said Address to Her Majesty's Government in England, to be presented to His Royal Highness.

Ordered, That the said Addresses be engrossed.

Resolved, That the said Addresses be presented to His Excellency, the Governor General, by the whole House.

Ordered, That such Members of this House as are of the Honourable the Executive Council of this Province, do wait upon His Excellency, the Governor General, to know His Excellency's pleasure, when he will be attended by this House with its Addresses.

Call of House.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Attorney General Lafontaine,

Resolved, That a call of this House be made on Thursday, the second day of November next.

Resolved, That such Members as shall not then attend, be sent for in custody of the Serjeant at Arms attending this House.

Ordered, That Mr. Speaker do cause circular letters to be written immediately to the absent Members, except those who are on leave from the House, enclosing to them copies signed by the Clerk of this House, of the preceding Resolutions.¹

Beauharnois
Canal.

The Honourable Mr. Daly, one of Her Majesty's
Executive Council, laid before the House, by com-
mand of His Excellency, the Governor General,

Return to an Address from the House of Assembly to His Excellency,
the Governor General, dated 9th October, 1843, praying for "copies of
any correspondence that may have taken place between the Civil Govern-
ment and the Military Authorities, with respect to stationing troops
on the line of the Beauharnois Canal."

Rawson W. Rawson.

Government House,
Kingston, 12th October, 1843.

(Copy.)

Government House,
Kingston, 31st March, 1843.

Sir,

Application having been made by the Board of Works for a Military
Detachment to be stationed at or near St. Timothy, in aid of the Civil
Power to prevent expected riot and outrage in that neighbourhood,
similar to what have occurred at Lachine: I am directed by the Gover-
nor General to request that you will submit this question for the con-
sideration of His Excellency the Commander of the Forces; as it is
possible there may be objections of importance to such an arrangement.

The Governor General is on general principles adverse to the dispersion
of the Troops in small Detachments, and would therefore be disinclined
to adopt the arrangement proposed; but His Excellency's want of local
experience prevents his deciding that it is unnecessary; and having been
recommended to his predecessor by the Executive Council as necessary, it
appears to demand attention.

If therefore the Commander of the Forces sees no decided objection
to the arrangement, the Governor General requests that it may be adopted
as a temporary measure; but in the contrary case he begs to be favoured
with His Excellency's opinion.

The strength of the party suggested by the Board of Works is thirty,
and they have, in anticipation of compliance, directed the Engineer in
charge to prepare comfortable Barracks for that number; but the strength
of the party, if the arrangement be adopted, will, in the Governor
General's opinion, be most properly determined by the Commander of
the Forces, and accommodation will be prepared accordingly.

I have the honour,
 &c. &c. &c.

(Signed,) J. Studholme Brownrigg, Capt.
Military Sec'y.

To the Military Secretary,
Montreal.

(Copy.)

Military Secretary's Office,
Montreal, 3rd April, 1843.

Sir,

I have the honour to express the acknowledgement of the Commander of the Forces for the consideration shown by His Excellency, the Governor General, in having caused to be referred to him the question of placing a Detachment at or near St. Timothy, for the purposes contemplated in stationing similar Detachments at Lachine.

It is the opinion of the Commander of the Forces that the proposed measure will prove ineffectual in that quarter, as it has done at Lachine; but the Commander of the Forces will have shortly to submit, for the consideration of His Excellency, the Governor General, a Report from Major General Sir James Hope, upon the employment of Her Majesty's Troops at Lachine.

The Commander of the Forces is much gratified, though not at all surprised, to hear that His Excellency objects on general principles to the dispersion of Troops in small Detachments; it is certainly prejudicial to the discipline of the Troops, and seldom productive of even temporary benefit to a Country, except in so far as it may cause the outlay of money in its Markets.

The Major General Commanding the Eastern District will be instructed to hold a Detachment of 30 men in readiness, to move, when applied for, to St. Timothy, as it would appear that the Executive Council recommended the measure, and anticipated the concurrence of the late Governor General to it; but the Commander of the Forces has no hesitation in expressing his decided objection, (now that he has the opportunity of offering an opinion) to the dissemination of Troops in small bodies for the prevention of disturbances among workmen employed on Public Works, which has been hitherto restricted to cases where recourse has been had to convict labour only, and never he believes, where abundance of voluntary labour can be obtained.

I have the honour,
 &c. &c. &c.
 (Signed,)

Brooke Taylor,
 Military Sec'y.

To Captain J. S. Brownrigg,
 Military Secretary, Kingston.

(Copy.)

Military Secretary's Office,
Montreal, 8th September, 1843.

Sir,

The Commander of the Forces having learnt that Major General Sir James Hope has been informed by Mr. Brown and Captain Wetherall,

(41)

Magistrates, that the presence of the Military at St. Timothé and Beauharnois is no longer required, I am directed by His Excellency to acquaint you, for the information of His Excellency the Governor General, that the troops that went there on the requisition of the Magistrates, will be withdrawn, but that the Officer and twenty-five men placed at St. Timothé by the Governor General's order, will remain there, until His Excellency desires they may be removed, which the Commander of the Forces is sure will be directed when the Governor General thinks fit.

I have the honour,
 &c. &c. &c.

(Signed,)

Henry Wynyard,
 D.A.A.G.

In the absence of the Military Sec'y.

To the Military Secretary
 to His Excellency,
 The Governor General,
Kingston.

(Copy.)

Government House,
Kingston, 23d September, 1842.

Sir,

The delay in receiving your letter of the 8th instant, occasioned by my having been travelling much lately, has prevented my replying to it at an earlier period.

I have now the honour, be direction of the Governor General, to beg that you will inform the Commander of the Forces that His Excellency is not aware of the necessity of the continuance of the detachment of an Officer and twenty-five men at St. Timothé.

I have the honour,
 &c. &c. &c.

(Signed,)

J. Studholme Brownrigg, Capt.
Military Secretary

To the Acting Military Secretary,
Montreal.

Certified that the foregoing are true copies.

J. Studholme Brownrigg,
Capt. Grenadier Guards.
Military Secretary.

Government House,
11 October, 1843.

Also,

Members appointed
to Office.

Return to an Address of the Legislative Assembly to the Governor General, bearing date the 6th Instant, "praying that His Excellency would be pleased to cause to be laid before the House the names of all Members of the House who have received appointments to office, whether of honour or profit from the Government, the nature of each appointment, with the salary attached to each office, together with such appointments as have been given, since the Union, to Gentlemen formerly Members of the House, with the salary to each office, stated in current money; the appointments made before to be distinguished from those on or since the 16th September, 1842."

(For the said Return see Appendix P.)

And also,

Report from
Board of Works.

A Report of the Board of Works, in accordance with the 30th Section of the Act 4 & 5 Victoria, cap, 38, dated 11th October, 1843.

(For the said Report see Appendix Q.)

Leave of Absence
to Mr. Duggan.

Ordered, That Mr. Duggan have leave to absent himself from this House for one week, on urgent business.

Fees for Administration of
Justice.

Resolved, That a Special Committee of five Members be appointed to inquire as to the amount of fees and emoluments received by the various Officers connected with the Administration of Justice in that part of this Province, formerly Upper Canada, and paid out of the District Funds, to report thereon from time to time, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Hincks, Mr. Morris, the Honourable Mr. Sherwood, Mr. Merritt, and the Honourable Mr. Boulton, do compose said Committee.

Leave of Absence to Mr. Sherwood. Ordered, That the Honourable Mr. Sherwood have Leave to absent himself from this House, for one week from this date, on urgent business.

Rivers Obstruction. Ordered, That Mr. Thompson have leave to bring in a Bill to prevent obstruction in Rivers and Rivulets in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Leave of Absence to Sir A. MacNab. Ordered, That Sir Allan N. MacNab have leave to absent himself from this House, for one week from this date, on urgent business.

Report Board of Works. Ordered, That one hundred copies of the Report of the Board of Works, and of the documents accompanying the same, laid before the House this day, be printed, in each of the English and French Languages, for the use of the Members of this House.

Leave of Absence to Mr. Boulton. Ordered, That the Honourable Mr. Boulton have leave to absent himself from this House, for one week from this date, on urgent business.

Timber Inspection. The Order of the Day for the second reading of the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, and other articles of a like nature, being read,

Ordered, That the said Order of the Day be postponed until Friday the twentieth instant.

Religious Societies' Land. A Bill to enable Religious Societies of all denominations of Christians (in that part of the Province formerly called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned, was, according to order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Wednesday next.

Petition of Adam Johnston & others. The Order of the Day for the House in Committee, on the Report of the Select Committee to which was referred the Petition of Adam Johnston, and other Inhabitants of the third Concession of the Township of Cornwall,

in the Eastern District, being read.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Moffatt took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Moffatt reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That the Report of the Select Committee to which was referred the Petition of Adam Johnston, and other Inhabitants of the Third Concession of the Township of Cornwall, in the Eastern District, be recommitted to the same Select Committee, and that the Committee be enjoined to take and report evidence

(42)

on the subject matter contained in the said Petition.

Ordered, That Mr. Parke be added to the said Select Committee.

Then on motion of the Honourable Mr. Morin, seconded by the Honourable Mr. Viger,

The House adjourned until Monday next.

APPENDIX, 13 OCTOBER 1843.

((WITHDRAWN MOTION RE: TOWN OF NIAGARA POLICE FORCE.))²

MR. BOULTON moved to bring in a bill to incorporate the town of Niagara, and to establish a police there.³

MR. BALDWIN suggested the propriety of withdrawing the motion, it being the intention of the Government to introduce a measure that would embrace a general system of incorporation.⁴

((WITHDRAWN MOTION RE: REBELLION LOSSES IN UPPER CANADA.))⁵

MR. CRANE enquired whether the Government intended to adopt any plan to adjust the rebellion claims in Upper Canada.⁶

In reply, MR. BALDWIN stated, that this was a question involving the most serious difficulties. A bill to this effect had passed the Legislature in Upper Canada, but the Royal assent had been refused to it, from an opinion that the Home Government would be pledged on the subject. Subsequently another bill passed the Legislature of Upper Canada, enacting that a sum not exceeding £40,000 should be appropriated to the losses in the rebellion in Upper Canada, although, at that time, Upper Canada was in a state of bankruptcy, and had no funds whatever. Were this sum to be raised at the present time, a like sum, proportionate to the losses in Lower Canada, would have to be raised also, which taken together, would probably amount to £120,000, a demand upon the public purse, which, in the present state of affairs, would be found most embarrassing. The principle of paying claims of this kind, was not recognized in European states. However much, therefore, these losses were to be deplored, under all the circumstances, the Government were not prepared with any measure of the kind. Had a commission been issued, it would only have been productive of still greater embarrassment. If, through their representatives (sic), the people of Upper Canada should evince a desire to submit to local taxation to pay off these claims, then the object might be effected. In no other way, however, could the proposition be entertained, the Government being decidedly averse to making any addition to the public debt, that could possibly be avoided.⁷

DR. DUNLOP said that he had seen a deputation from Lower Canada upon the same errand, only the evening previous. As to European Governments not recognizing the principle of paying such demands, the British Government awarded £20,000 to the city of Glasgow for injuries sustained by it on account of the Pretender in 1745. The United States and Antigua had also received compensation from the British Government for losses of this kind. The Hon. member then moved, that a Committee be appointed to enquire into the subject.⁸

MR. BALDWIN opposed the motion, upon the principle, that it was necessary first to raise the ways and means, otherwise it was perfectly

useless to enter upon any enquiry of the kind. If the people consented to be taxed for this purpose, he (Mr. Baldwin) would cheerfully contribute his portion towards it, though it should amount to ten times the sum that had been estimated. With reference to his (Mr. Baldwin's) remarks upon the principle not being recognised by European Governments, the examples adduced of Glasgow and the United States were only exceptions to the rule.⁹

MR. JOHNSTON observed, that in order to remove the difficulty of finding the ways and means, he was prepared with a very simple proposition - reduce the enormous salaries of the Government officers. (Hear! Hear!) He was perfectly willing to have his property taxed to raise the amount.¹⁰

SIR A. MACNAB asked whether Dr. Horne, whose house was burned at Toronto, and whose family were driven forth into the high road, was to be without a recompense, while the Government were to reward and patronise those who concocted these outrages? He (Sir A. M'Nab) was as much disposed as any one, to bury, as he did, the bitter sufferings and privations that had been endured by hundreds of poor people on account of these events. In urging the matter upon the attention of Government, he felt that he was doing so in the discharge of a sacred duty from which he would never shrink.¹¹

Cries of hear, hear, oh! oh! from MR. AYLWIN¹².

The Speaker ((MR. CUVILLIER)) ... commented upon the indecency (sic) of such repeated interruptions.¹³

The gallant Knight ((SIR ALLAN MACNAB)) concluded by saying, that, as one of the representatives of the people, he would give his voice in favour of a local tax to raise the means required, should such a course be approved of by the Government.¹⁴

MR. THORBURN said, that he had been often asked by his constituents, whether the Government mean to adjust these claims or not. He was satisfied that the Government would do all they could, and felt convinced that the people of the Niagara District would cheerfully consent to be taxed to raise the necessary funds.

MR. NEILSON was of opinion that faith ought to be kept with the people, and was perfectly willing to assist the Parliament of Upper Canada who had pledged themselves, notwithstanding similar claims might be urged from Lower (sic) Canada. He trusted that the motion would be withdrawn that it might not be exposed to be negatived, and thereby cause an opinion to go forth that the Legislature was not disposed to entertain these claims.¹⁵

MR. MERRITT - If the claims of Canada were to be paid, who could say

what demands might not be made from Lower Canada, which would entail an endless expense upon the country. He was willing to pay his portion, and thought a general system of taxation for the purpose, within the reach of the Province at large (hear, hear).¹⁷

MR. AYLWIN said, that for the first time in March last, he had heard that the country was pledged to pay this £40,000. With reference to what the member for Carlton had said, about a reduction of salaries, if this was approved of he would recommend that it should have a retrospective effect, and that all those who had figured during the rebellion as Generals and Colonels, as well as those who had been ennobled and Knighted should pay back a portion of what they had received. The learned gentleman here abruptly (sic) took his seat, amidst hisses and loud cries of order, order.¹⁸

M. VIGER, - There was no law recognizing the principle of paying such losses, although exceptions might be found. No example in history could afford a parallel to the sufferings of the people of Lower Canada. Were he (Mr. Viger) to relate them, he would make the House shudder. It was folly to raise hopes upon this question that never could be realised.¹⁹

MR. BOULTON asked, if any benefit could possibly be anticipated from repeated recriminations of "rebels" on one side, and "oppressors" on the other? Such a course could be productive only of irritation and animosity. With the Member for Quebec, he thought that sooner or later, the pledge given by the Parliament of Upper Canada should be redeemed²⁰, (hear, hear)²¹, and that for so comparatively small a sum as £40,000, the public honour should not be exposed to the same obloquy as that which had fallen upon the United States, owing to the repudiation of their engagements.²²

MR. ((HENRY))SHERWOOD was of opinion, that however embarrassing the matter might be found, the Government ought to take some steps in it, either by direct taxation, or by such means as might be deemed advisable.²³

MR. SIMPSON suggested the system pursued with regard to the rebellion in Ireland, where losses amounting to £200 were recompensed to half the amount, all larger sums being paid in the ratio of 33 1/3 per cent. The continual bickering that arose out of these unhappy events reminded him of the woman in the comedy, who consented to pardon her husband's infidelity, provided, she might tell him of it three times a day.²⁴

MR. HINCKS said, that the act authorising the payment of this £40,000, was an embarrassment bequeathed by the Parliament of Upper Canada to their

successors. When this act was passed, no provision was even made for it by debentures, and such was the low ebb of our credit, that debentures were actually sold in the Home market to pay off the interest on the public debt (Hear, hear). He (Mr. Hincks) was as desirous as any man, to liquidate all just claims, but would never consent to issue debentures, when there was no possibility to meet them (Hear, hear). With reference to the loan of a million and a half, it was originally intended, that it should go to pay off the old debt, in which the £40,000 was included - the residue to be appropriated to public work. When the present Ministry, however, came into power in Great Britain, they refused to sanction this application of the money, and became responsible for the loan, only upon the express condition, that it should be applied to public works. This act of Upper Canada, containing the grant of £40,000, was passed when the Union was in progress. On the whole, the only way that he (Mr. Hincks) could see at all feasible, for raising the means, was by taxation, and that he was not prepared to advocate. As to appointing Commissioners - this he thought was likely to create dissatisfaction rather than any other feeling; as they would have to investigate claims arising not only out of injuries inflicted by sympathisers from the neighbouring States, but also from losses sustained on account of the regular troops and militia men of the Province.²⁵

MR. ((HENRY)) SHERWOOD begged leave to correct the Hon. Inspector General. The act referred to was not passed while the Union was in progress, but in March 1838, before the Union was even in contemplation.²⁶

MR. MOFFATT concurred in the opinions that had been expressed as to the justice of paying these claims; in Lower Canada, in some cases, this system had been adopted. The public faith should be redeemed. It was too late now to caution the people. Their expectations had been raised, and they ought to be realized.²⁷

MR. LAFONTAINE remarked, that in Lower Canada the Special Council, regardless of constitutional powers, had appropriated £13,000 for this purpose. This money had been disposed of entirely to favourites; one lady having received £450 for services best known, perhaps to herself. The public faith that had been alluded to, was the faith of Upper Canada alone. The only debt in which Lower Canada could be called upon to participate, was that incurred for public works of a general nature. Of this it could not be pretended that the £40,000 made a part. If Lower Canada wished to indemnify her inhabitants, she would not apply to Upper Canada for assistance.²⁸ (Hear.)²⁹

Leave was given to withdraw the motion.³⁰

FOOTNOTES - 13 OCTOBER 1843.

1. There is a commentary on this in LE CANADIEN, 18 October 1843.
2. The following was reported in: MONTREAL GAZETTE, 17 October 1843, BRITISH COLONIST, 17 October 1843, MONTREAL TRANSCRIPT, 19 October 1843, and EXAMINER, 18 October 1843, in identical accounts, the EXAMINER's account being copied by the KINGSTON CHRONICLE, 21 October 1843; and in LA MINERVE, 19 October 1843, copied by LE JOURNAL DE QUEBEC, 21 October 1843, and by LE CANADIEN, 23 October 1843.
3. MONTREAL GAZETTE, 17 October 1843.
4. IBID.
5. The debate on the following withdrawn motion was reported in: MONTREAL GAZETTE, 17 October 1843, BRITISH COLONIST, 17 October 1843, MONTREAL TRANSCRIPT, 19 October 1843, EXAMINER, 18 October 1843, and KINGSTON CHRONICLE, 21 October 1843, in identical accounts, the KINGSTON CHRONICLE acknowledging the MONTREAL GAZETTE as its source; and in LA MINERVE, 19 October 1843, copied by LE JOURNAL DE QUEBEC, 21 October 1843, and by LE CANADIEN, 23 October 1843. A commentary can be found in MONTREAL TRANSCRIPT, 19 October 1843.
6. MONTREAL GAZETTE, 17 October 1843.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. BRITISH COLONIST, 17 October 1843.
22. MONTREAL GAZETTE, 17 October 1843.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. BRITISH COLONIST, 17 October 1843.
30. MONTREAL GAZETTE, 17 October 1843.

MONDAY, 16 OCTOBER 1843.

(42)

M. Chabot. JEAN CHABOT, Esquire, Member for the City of Quebec, having previously taken the oath according to law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

The following Petitions were severally brought up and laid on the table:--

21 Petitions brought up. By Mr. Boutillier--The Petition of E. Crevier, and other Inhabitants of the Township of Acton and other places.

By Mr. Leslie--The Petition of Paul Lussier and other Inhabitants of the Parish of Ste. Anne de Varennes, in the District of Montreal.

By the Honourable Mr. Hincks--The Petition of the Honourable W.W. Baldwin and others, Inhabitants of the Home District.

By Mr. L.M. Viger--The Petition of Charles Heon and others, inhabitants of the Township of Blanford, in the District of Nicolet.

By Mr. Roblin--The petition of E. Hubbs, A. Campbell, and W. Rorke, late Boundary Line Commissioners for the District of Prince Edward.

By Mr. Wakefield--The Petition of William McNaughton and others, Presbyterian Inhabitants of Orms town, in the County of Beauharnois.

By Mr. Merritt--The Petition of Jacob Beam and others, Inhabitants of the Townships of Clinton and Grimsby, in the District of Niagara.

By Mr. Christie--The Petition of William Henry Roy, and others, who served in the embodied Militia of Lower Canada, during the last war with the United States of America.

By Mr. Durand--The Petition of the Municipal Council of the District of Wellington (relating to the Municipal Council Act); the Petition of the Municipal Council of the District of Wellington (relating to Assessments on Lands); the Petition of the Municipal Council of the District of Wellington (relating to the Boundary of the District); the Petition of the Municipal Council of the District of Wellington (relating to the Common School Act); and the Petition of the Municipal Council of the District of Wellington (relating to the Township of Wilmot.)

By the Honourable Mr. Neilson--The Petition of the Reverend John Machar, Minister of St. Andrew's Church in Kingston; the Petition of John Sweeney, and others, commuted Pensioners and discharged Soldiers; and the Petition of Mrs. Jane Piggott, of the City of Quebec.

By Mr. Cameron--The Petition of Ebenezer Bell and others; the Petition of William Bell and Malcolm Cameron of Perth; the Petition of John Colvin and others, Debtors, confined in the Gaol of the District of Bathurst; and the Petition of Thomas Scott of South Burgess, in the District of Bathurst, Stone Mason.

By Mr. Derbshire--The Petition of the Right Reverend Patrick Phelan, Bishop of Carrhoë, Coadjutor and Administrator of the Diocese of Kingston.

Provincial Customs.

An engrossed Bill to repeal the Acts, Ordinances and provisions of Law therein mentioned, relative to the management and regulation of the Provincial Customs, and to Duties of Customs, and other Duties imposed by Provincial Laws, and to the Licensing of Tavern Keepers and Vendors of Spirituous and other Liquors, Auctioneers, Distillers, Hawkers and Pedlars, and Keepers of Billiard Tables, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Hincks do carry the said Bill to the Legislative Council, and desire their concurrence.

Pursuant to the Order of the Day, the following Petitions were read:--

Petitions Read.

Of Edward March, of the Seigniority of Lacolle, County of Huntingdon, praying an increase of salary.

Of Peter Freeland, and others, Manufacturers of Soap and Candles, in the City of Toronto, praying protection for their trade.

Of J.S. Brondgeest, and others, Proprietors of St. George's Chapel, Montreal; praying an aid for a School.

Of Joshua Bates and others, inhabitants of the District of Johnstown; praying for a repeal of the Division Courts, and the re-establishment of the Courts of Requests.

Of Billa Flint and others, Inhabitants of the District of Johnstown; praying for the repeal or modification of the Act to amend the Laws regulating the Practice of Physic, Surgery and Midwifery in this Province.

Of the Reverend Jean Romuald Paré, Rector of the Parish of St. Jacques de l'Achigan; praying that certain Religious Ladies, who have established a Convent in the said Parish, may be incorporated with certain corporate powers.

Of L.M. Viger, Esquire, and others, Bankers of the City of Montreal; praying for an Act of Incorporation.

Of Donald A. McDonald, of the County of Beauharnois, Trader and Contractor; praying to be indemnified for losses sustained in consequence of the riots on the Beauharnois Canal.

Of Christophe Lauzon and others, Inhabitants of the Parishes of Ste.

Rose and St. Martin, and other places; praying indemnification for the loss they have sustained by the non-restoration of their arms, which were seized by order of the Government.

Of Curtis Goodsill and others, Assessors for the District of St. John's; praying remuneration for services performed in their capacity of Assessors.

Of Joseph Laurin, as Attorney for certain Militiamen, having served as such during the war with the United States; praying that means may be taken to assure to them the Lands they were entitled to for their services, but which they cannot now obtain because their claims were not presented before the first of August, 1830.

Of Alexander Duperré, of Kamouraska, Notary; praying that the Legislature will adopt such measures as may be deemed advisable, for ensuring the payment of £100 due to him for his salary as Clerk of the District Council of the District of Kamouraska.

Of Joseph Bouchette, of Kingston; praying aid to enable him to publish his Map of Canada.

Of the Montreal Medical Board; praying for the passing of a Law to regulate the Study of the Medical profession consistent

(43)

with the present advanced state of Society in this Province.

Of the Reverend J. Durocher, and others, inhabitants of the Parish of Beloeil, in the District of Montreal; praying that a duty may be imposed on American Agricultural Produce, and that the District Court Act (4 & 5 Victoria, cap. 20) may be repealed.

Of William Phillips, and others, of Quebec; praying to be indemnified for losses sustained by them, in consequence of the destruction of W. Nelson's property at St. Denis, by Her Majesty's troops in 1837.

Of Benjamin Burland, Gauger, and Louis C. Vandal and William Leggett, Land Waiters, at the Port of St. John's, Canada East, praying for an increase of salary.

Of Thomas H. Day, and others, Inhabitants of the Inferior District of Sydenham; praying for aid to establish a Classical School in the said District.

Of Ignace Razienne, of the Parish of St. Benoit, Notary;

praying such indemnity as the House may be pleased to award him for the losses he sustained by the destruction of his property by the Troops and Volunteers in 1837.

Of Antoine Charles Taschereau, Esquire, Representative for the County of Dorchester; praying remuneration for services performed by him for the Government, and for which he has not been adequately compensated.

Of John Goodwin, and others, Members of the Baptist Church at Beamsville, in the District of Niagara; praying that the benefits of the University of King's College be not confined to one Religious denomination only; but be extended to all classes of Her Majesty's Subjects.

Of the Kingston Marine Railway Company; praying for additional powers to conduct the affairs of the said Company.

Of J.A.P. Barbier, and Mrs. Euphraisie Barbier, his wife; praying for an Act of Naturalization.

Of George Pozer, Esquire, of the City of Quebec; complaining of a By Law made by the Common Council of the City of Quebec, concerning the removal of door steps, and praying relief.

Of George Arnold, and others, of Quebec; praying that the Building erected for the accommodation of the Customs at the Port of Quebec, be appropriated to the object for which it was originally intended.

Of James Morton, and others, of the Town of Kingston; praying to be Incorporated under the Title of "The Kingston Mineral Wells Company."

Of G.B. Cleveland, and others, of the Seigniorship of Nicolet, and other places; praying aid for a Road in the said Seigniorship.

Of John Millar, of the Township of Bertie, in the District of Niagara; praying indemnification for certain property lost to him through the inadvertency of the Executive Government in the year 1795.

Of the Municipal Council of the Gore District; praying for authority to raise a loan of ten thousand pounds on the guarantee of the Province, to complete a road in the said District.

Of the Reverend Pierre Ménard, and others, Inhabitants of the Parish of St. Benoit; praying aid for the re-construction of the

Buildings for Divine Worship, destroyed during the Rebellion of 1837.

Of the President and Members of the Quebec British and Canadian School Society; praying aid for the said Institution.

Of the Committee of Ladies, conducting the affairs of the Protestant Female Orphan Asylum at Quebec; praying an aid for the said Institution.

Of Mrs. Margaret Powell, late House Keeper to the Executive Council, in Upper Canada; praying for a Pension.

Of Mrs. Prudence Richardson, of Barrie, in the District of Simcoe; praying indemnification for losses sustained by her late husband, as Boundary Line Commissioner.

Of the Members of the Executive Committee of the Canada Baptist Union; praying that the benefits of the University of King's College may be extended equally to all classes of Her Majesty's Subjects in this Province.

Of the Minister, Elders, and Trustees of St. Paul's Church, at Montreal; praying for an Act of Incorporation.

*Petitions Referred.
Cyprian Morgan.*

Resolved, That the Petition of Cyprian Morgan, of the Township of Yonge, in the Johnstown District, presented to the House on the second Instant, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Morris, the Honourable Mr. Neilson, Mr. George Sherwood, Mr. Chabot, and Mr. Thorburn, do compose the said Committee.

*Lying-in-Hospital,
Montreal.*

Ordered, That that part of the Petition of the Ladies of the Committee of Management of the Lying-in-Hospital of Montreal, presented to the House on the third Instant, which relates to an Act of Incorporation, be referred to the Standing Committee on Private Bills.

*Prudence
Richardson.*

Ordered, That the Petition of Mrs. Prudence Richardson, of Barrie, in the District of Simcoe, be referred to the Special Committee to which were referred the Petition of George Rykert, and others, late Boundary Line Commissioners, for the Niagara District; and the Petition of William Ketchison, junior, and others, late

Boundary Line Commissioners for the District of Victoria.

J. R. Paré *Ordered, That the Petition of the Reverend*
 Jean Romuald Paré, Rector of the Parish
of St. Jacques de l'Achigan, be referred to the Standing Committee
on Private Bills.

L.M. Viger. *Ordered, That the Petition of L.M. Viger,*
 Esquire, and others, Bankers in the City
of Montreal, be referred to the Standing Committee on Private Bills.

T.A. Corbett. *Ordered, That the Petition of Thomas A. Corbett,*
 and others, of the Town of Kingston, presented
to the House on the tenth Instant, be referred to the Standing Committee
on Private Bills.

(44)

Honourable *Ordered, That the Petition of the Honourable*
Adam Ferrie. *Adam Ferrie, of Montreal, presented to*
 the House on the fourth Instant, be
referred to the Standing Committee on Private Bills,

Rev. C. F. *Resolved, That the Petition of the Reverend C.*
Cazeau & *F. Cazeau, and others, of the City of Quebec,*
others. *Members of the Congregation of Our Lady,*
 (Congrégation de Notre Dame) presented
to the House on the tenth Instant, be referred to a Special Committee
of five Members, to examine the contents thereof, and to report there-
on with all convenient speed, by Bill, or otherwise, with power to
send for persons, papers, and records.

Ordered, That the Honourable Mr. Solicitor General Aylwin, Mr. Chabot,
the Honourable Mr. Neilson, Mr. Taché, and Mr. L.M. Viger, do
compose the said Committee.

Geo. Poser Esq. *Resolved, That the Petition of George Poser, Esq.*
 of the City of Quebec, be referred to a
Special Committee of five Members, to examine the contents thereof,
and to report thereon with all convenient speed, by Bill or otherwise,
with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Solicitor General Aylwin, Mr. Barthe,
Mr. Berthelot, the Honourable Mr. Neilson, and Mr. Christie, do
compose the said Committee.

James Morton *Ordered, That the Petition of James Morton and*
and others. *others, of the Town of Kingston, be referred*
 to the Standing Committee on Private Bills.

Report on
Contingencies.

Mr. Thorburn from the Standing Committee on Contingencies, presented to the House the first Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have examined the accompanying account of the Clerk of Your Honourable House, and the vouchers connected therewith, detailing the disbursement of the sum of £ 6000 which was placed in his hands at the last Session, as per the Address to His Excellency, the Governor General, on account of the contingencies of Your Honourable House; also, of the sum of £ 253 19, remaining in his hands at the last audit; also, £ 409 19, remaining in Mr. Speaker's hands, as a balance of the sum of £ 5,000, placed in his hands during the first Session--And also, the sum of £ 140 received upon seven Private Bills--in all amounting to £ 6801 18--and against which, your Committee find Vouchers for an expenditure of £ 7303 9 11½, leaving £ 501 11 11½, for which there is no funds in the hands of the Clerk to discharge. There is likewise due, and will be owing for salaries to the Officers of your Honourable House, up to the 31st December, ensuing, the sum of £ 1821 4 4½, and also, the sum of £ 1275 13 4, for sundry materials and labour performed for the last Session and the recess: in all making £ 3578 9 7¼, to be provided for.

An Estimate of a further sum required to meet the necessary disbursements for the present Session and the ensuing recess of £ 11,500 has been made; but your Committee would only recommend that a sum of £ 5000 thereon for the present be had, to meet immediate demands, and therefore beg leave to recommend to your Honourable House that an humble Address be presented to His Excellency the Governor General, praying that he would be pleased to cause to be placed in the hands of the Clerk of your Honourable House the sum of £ 8578 9 7¼, for the aforesaid purposes."

Ordered, That the said Report be referred to a Committee of the whole House, on to-morrow.

Report on Petition
of Mrs. E.M. Reid,
& others.

Mr. Leslie, from the Special Committee to which was referred the Petition of Mrs. Elizabeth M. Reid, and other Directresses of the Protestant Orphan Asylum of Montreal, praying for an Act of Incorporation, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and agreed to by the House, and is as followeth.--

"Your Committee have examined the said Petition, and after mature deliberation thereon, are of opinion that the prayer of the Petitioners should be granted."

Montreal Protestant
Orphan Asylum.

Ordered, That Mr. Leslie have leave to bring in a Bill to incorporate the Ladies of the Protestant Orphan Asylum of the City of Montreal.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Consolidated
Revenue Fund
of Province.

The Honourable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General.

Accounts and Statements respecting the Public Income and Expenditure of the Consolidated Revenue Fund of the Province of Canada, in the year ending the 31st December, 1842.

(For the said Accounts and Statements see Appendix A.)

Also,

Seizure of Goods.

Return of all seizures of goods illegally imported in the years 1840, 1841 and 1842, pursuant to an Address of the Legislative Assembly of the 10th October, 1842.

(For the said Return see Appendix R.)

Also,

Fees on Marriage
Licenses.

Return of Fees arising from the sale of Marriage Licenses in Canada (East and West,) received between the 10th February, 1841, and the 31st December, 1842, prepared by the Receiver General in compliance with an Address of the Legislative Assembly, dated the 10th October, 1842.

The said Return is as followeth:--

	<u>Canada West.</u>	<u>Currency.</u>		
		£	S.	D.
1841.				
July 10.	Amount paid over by Mr.			
	<u>Hopkirk</u> this day,.....	160	0	0
" 30.	Do. do. Mr.			
	<u>Harrison</u> ,.....	55	5	0
Sept. 30.	Do. received between			
	10th July and date,....	349	10	0
Dec. 31.	Do. do. during			
	the quarter ending this day,	422	10	0
1842.		£987	5	0

March 31	Do. do. do. do.	642	10	0
June 30.	Do. do. do. do.	466	5	0
Sept. 30.	Do. do. do. do.	388	0	0
Dec. 31.	Do. do. do. do.	790	10	0
		£	3274	10 0
1842.	<u>Canada East.</u>			
March 31	Amount paid over by Mr. Daly, this day, being receipts between 10th Feb'y, 1841, and date,.....	509	17	0
June 30.	Do. received during the quarter ending this day,...	62	2	6
Sept. 30.	Do. do. do. do.	181	15	0
Dec. 31.	Do. do. do. do.	194	0	0
Total Receipts,		£	4222	4 6

T. Douglas Harrington,
Receiver.

(45)

Marriage
Licenses.

STATEMENT showing the Disbursements of the Receipts arising from the Sale of Marriage Licenses, from the 10th February, 1841, to the 31st December, 1842, prepared in compliance with an Address of the Legislative Assembly, dated 10th October, 1842.

	Currency.
	£ S. D.
Receiver's 5 per cent, on £4,222 4 6 by authority of Lord Sydenham, dated 13th August, 1841,.....	211 2 2½
Hon. S. B. Harrison, his allowance as remuneration for loss in being placed on a fixed salary, from 10th Feb'y, 1841, to 31st Dec'r, 1842, at £250 St'g, per annum, by order of Lord Sydenham, dated 20th July, 1841,...	524 3 3
Hon. D. Daly, do. do. do.....	524 3 3
Various accounts for printing Licenses and Bonds, Account Books, &c.....	73 8 4
Walter McKenzie, balance of extra salary due him from the 10th Feb'y to 31st May, 1841, at £50 per ann'm, (up to the Union, defrayed by Mr. Harrison, from these fees,).....	15 17 1

To. <u>W.C. Murdoch, Esq.</u> , for his expenses incurred through the forfeiture of his passage to <u>England</u> , and his return on public service in Nov. 1841,.....	250	0	0
<u>J. W. Winter's</u> expenses incurred on Secret Services on the <u>American Frontier</u> ,.....	6	5	0
<u>Baron De Rottenburgh's</u> expenses to <u>Quebec</u> and back, while employed framing a Militia Bill,.....	23	17	0
<u>G.W. Hurd</u> , arrearage of salary as a Clerk in Government Office, <u>Upper Canada</u> , being difference between 175 and £74 from 1st April, 1839 to 9th Nov. 1840,.....	162	0	0
<u>Baron De Rottenburgh's</u> expenses to <u>Brantford</u> , and <u>Dunnville</u> and back, while employed on the <u>Welland Canal</u> , suppressing the disturbances, &c.....	29	10	6
Expenses of certain Officers, incurred in moving from <u>Toronto</u> and <u>Quebec</u> to <u>Kingston</u> , when the Seat of Government was changed,.....	665	5	10
Sundry expenses attending the Official trip of the Governor General to <u>Montreal</u> and <u>Quebec</u> , in July and August, 1842,	750	7	1 $\frac{1}{2}$
Expenses incurred by the Members of the Executive Council, in going to <u>Montreal</u> , &c., on summons from the Governor General,.....	129	0	0
Expenses of the Secretary's Office, (East) Allowances to Clerks, Postages, &c., during its removal to <u>Canada</u> East, in attendance on the Governor General,.....	695	8	1
Balance on hand, (31st Dec'r, 1842,) paid over to the Receiver General,.....	161	16	10
Total Disbursements,	£222	4	6

Thomas Douglas Harington, Receiver of Fees, maketh oath and saith that the forgoing accounts of Receipts and Disbursements, amounting to Four Thousand two hundred and twenty-two Pounds, four shillings and six pence, Provincial Currency, are just and true to the best of his knowledge and belief.

T. Douglas Harington,
Receiver.

Sworn before me at Kingston,
this 30th day of September, 1843.

Thomas W. Robison, J.P.

Also,

Casual and
Territorial
Revenue.

Returns of the Casual and Territorial Revenue,
pursuant to an Address of the Legislative Assembly,
of the 17th August, 1841, viz:--

- A. Statement of payment made from the Casual and Territorial Revenue in Upper Canada, from 1st January to 31st December, 1839.
- B. Ditto of monies paid from the Casual and Territorial Revenue of the Crown in Upper Canada, from 1st January 1840, to 9th February, 1841.
- C. Account of the Receipts and Payments of the Casual and Territorial Revenue of the Crown, from 1st January to 31st December, 1839.
- D. Account of the same Receipts and Payments, from 1st January 1840, to 9th February, 1841.
- E. Statement of the Crown's proportion of Seizures received from 1st January, 1839 to 9th February, 1841.
- F. Statement of the application, by the Commissary General, of certain portions of the Revenues of the Crown paid into his hands by the Receiver General of the late Province of Upper and Lower Canada, previous to the Union of these Provinces.

(For the said Return see Appendix S.)

And also,

Steam Dredge. Report of the affairs of the late Provincial Steam Dredging Machine.

The said Report is as followeth:--

Kingston, 2nd October, 1843.

Sir,

I have the honour to transmit herewith a Report of the Affairs of the late Provincial Steam Dredging Machine, of which I was Commissioner under the 5th Wm. 4, cap. 30, and so continued by the 6th Wm. 4, cap. 46, and for a limited period by the 4 & 5 Vic., cap. 44.

I have the honour to be,

Sir,

Your obedient Servant,

David Thorburn.

James Hopkirk, Esquire,
Secretary's Office, C.W.

To His Excellency, Sir Charles T. Metcalfe, Governor General, &c.
&c. &c.

MAY IT PLEASE YOUR EXCELLENCY:

In accordance with the provisions of the 4th & 5th Vic., cap. 44 and 1st section, I have now the honour to transmit herewith Vouchers for the payment of £447 4 2.

And that I delivered the Provincial Steam Dredge of the late Province of Upper Canada over to the Board of Works at the close of the year in conformity with the 3rd section of the said Act.

I also send herewith a Statement of the expenses and credit of the said Dredging Machine, not heretofore accounted for, in compliance with the 5th Wm. 4, cap. 30, and the 6th Wm. 4th, cap. 46 of the aforesaid late Province.

All of which is respectfully submitted.

David Thorburn,
 Late Commissioner of the P.S. Dredge.

Kingston, 2nd October, 1843.

Dundas, 20th July, 1837.

(46)

Steam Dredge.

The undersigned, Acting Commissioner for the Provincial Steam Dredge, has this day bought from Mr. L.R. Lyon, sundries as per the annexed Bill of materials amounting to two hundred and two pounds four shillings and five pence currency, for which bill he promises, as Commissioner, to owe one hundred and twenty-five pounds currency, the remaining seventy-two pounds four shillings and five pence, acknowledged by Mr. Lyon, to be satisfied in services had from the Steam Dredge over the time contemplated in the Report made to the first Session of the 13th Provincial Parliament, the said one hundred and twenty-five pounds only to be paid from funds raised by the services of the Dredge. No interest to be allowed.

David Thorburn,
 Acting Commissioner.

L. R. Lyon.

In presence of

Francis Hall, Engineer,
G.W. Thomson.

Received 22d March 1842, of David Thorburn, Esquire, Commissioner, &c., one hundred and twenty five pounds, Currency, in full of the with-
in obligation.

L. R. Lyon.

Niagara, 16th Feb. 1842.

Received from David Thorburn, Esq., the sum of fifteen pounds, in full for services of Provincial Steam Dredge, as allowed by Provincial Legislature last Session.

Francis Hall.

Queenston, 2nd Feb. 1842.

Received from David Thorburn, Esquire, the sum of twenty-eight pounds, nine shillings and three pence, Currency, in full for the amount due me, for services performed on the Provincial Dredge.

Jacob Randall.

Trafalgar, Jan. 25th 1842.

£ 13 14s. 9d.

Received of David Thorburn, Esq., of Queenston, by the hand of Justus W. Williams, Esquire, of Oakville, the sum of thirteen pounds, fourteen shillings and nine pence, it being in full of my claim for work done on the Provincial Dredge.

his
Anneassett X Schlenon,
mark
Engineer of the P.S. Dredge.

Witness,

James Appellie.

Port Hope, June 15th, 1842.

£ 39 4s. 7d.

Received from David Thorburn, Esquire, Commissioner of Provincial Steam Dredge, the sum of thirty-nine pounds, four shillings, and seven pence, currency, appropriated by the Legislature of 1841, for the expense of raising the Steam Dredge from under water.

William Wallace,

Treasurer of the Port Hope Harbour.

Steam David Thorburn, late Commissioner of Provincial
 Steam Dredge,
 In account with the Province of Canada.

1841--Decr.

Cash received on warrant, by virtue of the 4th & 5th

Vic. c. 4, for the purposes set forth in the first section £447 4 2

Contra.

1842.

Jan. 25th--Cash paid <u>Anneasett Schlen-</u> <u>non</u> , per Receipt.....	£ 13	14	9
Feb. 2nd--Cash paid <u>Jacob Randall</u> , per Receipt.....	28	9	3
" 16th--Cash paid <u>Francis Hall</u> , per Receipt.....	15	0	0
March 22nd--Cash paid <u>L.R. Lyon</u> , per Receipt.....	125	0	0
June 15th--Cash paid Treasurer <u>Port</u> <u>Hope</u> Harbour.....	39	4	7
Amount owing Commissioner and allow- ed for his services.....	225	15	7
	£447 4 2		

Kingston, 2d Oct. 1843.

David Thorburn,
 Late Com'r of P.S. Dredge.

Commissioner of the Provincial Steam Dredge,

To the Port Hope Harbour.

1841.

To amount of account rendered for the year 1841, up to the 1st July of that year.....	£ 242	9	1
July 3d--300 bus. Coal, <u>a</u> 30s.....	£ 4	10	0
18 lbs. Sole Leather.....	1	7	0
3 Mill Saw-files, <u>a</u> 2s. 6d.....	0	7	6
1 paper Tacks, 2s. 6d.....	0	2	6
Oakum, £1 6s. 8d.; Canvass, 1s. 6d.....	1	8	2
Nails and Spikes, 3s. 4d.....	0	3	4

Cash paid for Horn Wheels and other Castings, as per acct...	21	2	3
Men and Materials, repairing Frame.....	2	5	6
Oil, 88s. 6d., Calf Skin, for belt thongs, 6s 3d.....	4	14	9
Steel for Latch Spring.....	2	10	0
Iron, 34 lbs. a 6d., do. 19 lbs. 4s. 10d., do. 6½, 1s. 7½d.....	0	12	5½
12 lbs. Nails, 7s. 6d., Belt Leather, 11s. 3d.....	0	18	9
83 lbs. Tallow, a 7½d.....	2	13	7½
George Boyd (Engineer), 78½ days, 6s. 3d.....	24	10	7½
Jno. Torrens (Do.), 12½ do, 10s.	6	2	6
Jno. Nelson (Do.), 63½ do, 10s.	31	18	9
Jos. Adams (Do.), a £5 per month.....	3	17	0
Thos. Spry (Blacksmith), 96 days, a 5s.....	24	0	0
Best Feir (Superintendent), from 13th July to Nov. 4th--105 days, a 15s.--for the year 1841	78	15	0
			<hr/>
			211 19 8½
			<hr/>
			£454 8 9½

Cr.

By the Provincial Steam Dredge, in operation at the Port Hope Harbor, from the 13th July, 1841, to Nov. 13th, 1841, being 123 days (less 40½ days, for Sundays, bad weather and repairs, making 82½ working days) a £5 10s per diem,	£453	15	0
By abatement to balance.....	0	13	9½
			<hr/>
			£454 8 9½

E. E.

Port Hope, June 15th, 1842.

To David Thorburn, Esquire,
Commissioner, P.S. Dredge.

SIR,

The foregoing is a true statement of the articles and expenses

connected with the Steam Dredge, from the first of January to the close of the year, 1841, and the time in actual operation in the Port Hope Harbour the same year; the charge for the time employed while Dredging is extended, as desired by you.

I am, Sir,
Yours truly,

Best Feir,
Superintendent.

Port Hope,
June 15th, 1842.

(47)

County of
Huron.

On motion of Mr. Dunlop, seconded by Mr. Cartwright,
Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act of the 7th William 4, cap. 55, establishing the County of Huron.

On motion of Mr. Cartwright, seconded by Mr. Price.

Banking
Returns.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a Return of the several Banking Institutions which have paid the tax imposed by the Act 4 & 5 Victoria, cap. 29, distinguishing the amount paid by each Bank separately.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Appointments of
Members to public
offices.

Ordered, That the Return to an Address of the Legislative Assembly of the 6th instant, relating to the appointment of Members of the Assembly to Public Offices, laid before the House on the thirteenth instant, be printed for the use of the Members of this House.

MR. JOHNSTON moved that the Clerk of the House be authorized to order the printers to mark on the back of the bills, the number of sheets contained in each. The Hon. Member stated, that the object of his motion was, the saving of a heavy expense to the country(sic); the system adopted at present by the Post Office being, to charge for

every bill weighing more than an ounce 5d., whereas, one single sheet when damp would exceed the ounce, thus causing a charge of 5d instead of 1d. By marking the number of sheets on the outside of each bill this would be obviated.¹

MR. THORBURN coincided in the remarks of the Member for Carleton, relative to the system of charging the bills, now practised by the Post Office, and stated that the matter had not escaped the Committee of Contingencies, but was under their consideration.²

MR. THOMPSON regarded the motion as an extremely useful one, and hoped it would prevail.³

(47)

Printed papers.

Ordered, That the Clerk of this House be instructed to direct the Printers or contractors for the Printing of the several Bills, Messages, and other papers, to mark on the back of each the number of sheets contained therein.

Marriage Licenses.

Ordered, That one hundred copies of the Return of Fees arising from the sale of Marriage Licenses, in Canada, (East and West,) presented to the House this day, be printed in each of the English and French Languages, for the use of the Members of this House.

The Honourable Mr. Hincks, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

C.T. Metcalfe.

Statement of
Revenue and
Expenditure.

The Governor General transmits to the House of Assembly a Statement of the probable Revenue and Expenditure of the Province during the year ending the 31st December, 1843, together with an Estimate of the sums required for the service of the same year: and in conformity with the provisions of the 57th clause of the Union Act, he recommends these Estimates to the House of Assembly.

Government House,
Kingston, 16th October, 1843.

(For the Estimate accompanying the said Message, see Appendix A.)

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker three Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:

C. T. Metcalfe.

Civil List.

The Governor General informs the House of Assembly, in reply to their Address regarding the Civil List, that communications have been made to Her Majesty's Government, on that subject, by the Governor of this Province, since the last Session; and that a correspondence is still pending. He does not consider himself at liberty to lay before the House any portion of that correspondence. Neither is he able to make any declaration, which should have the effect of fettering the discretion of Her Majesty's Government, as to the view which may be taken of the subject, by Her Majesty's Ministers, or the Imperial Parliament, whose intervention is absolutely necessary to effect any alteration in the amount of the existing Civil List, or in the authority by which it is granted. The Governor General, however, is not aware of any obstacle to a practical diminution of the Civil Expenditure, whether borne on the Civil List or otherwise, by such reasonable and judicious reductions as it may be in his competency to authorize; and, in conformity to the desire which he has always entertained in favor of all practicable economy, he has recently abstained from filling a vacancy in the Secretariat, trusting that the public service will not require more than one Provincial Secretary.

As connected with the subject of the Civil List, the Governor General has authorized the Inspector General to lay before the House some documents, being portions of a Memorandum furnished by that officer, at the Governor's desire, for the information of Her Majesty's Government.

Government House, Kingston,
10th October, 1843.

C. T. Metcalfe.

The Governor General transmits, for the information of the House of Assembly, copies of the several Despatches from Her Majesty's Secretary of State, enumerated in the next Schedule.

Government House,
Kingston, 12th Oct., 1843.

Despatches.

SCHEDULE of Despatches accompanying the
Governor General's message of 12th

Octr., 1843.

NO.	DATE.	SUBJECT.
66	11th Feb. 1842	Relative to the Act for the regulation of Savings Banks, passed by the Provincial Legislature in the Session of 1841.
103	22d Mar., 1842	Relative to certain Acts for regulating the Currency, and various Banking Companies, passed in the same Session.
137	30th April, 1842	Relative to the Act for consolidating the Laws relating to Provincial Customs Duties, passed in the same Session.
15	3rd April, 1843	Relative to the Act for better proportioning the punishment to the offence in certain cases, passed in the Session of 1842 (Extract from a Despatch.)

(Copy)

No. 66.

Downing-Street,
11th Feb. 1842.

Savings Banks.

SIR,

I have had under consideration, an Act passed by the Legislature of Canada, during their late Session for the regulation of Savings Banks, in the Province, and I have to call your attention to the following observations upon it.

(48)

This Act, like the act for regulating Savings Banks in this country, states in its preamble, that it is expedient to give protection to Institutions, established for the safe custody and increase of SMALL savings belonging to the industrious classes of Her Majesty's subjects; but there is no limit, either as to the

annual amount to be invested (which in this country is limited to £30 per annum) or to the total amount to be deposited, (which in this country is limited to £150); but in Sec. 12, it is enacted, "That the Trustees shall not receive as a deposit for the use and benefit of Depositors, any larger sum than £500, at the same time of any one Depositor, other than a Religious or Charitable Corporation;" so that under this clause a party might invest thousands, provided he did not pay in more than £500 at the same time.

The mode of investment by the Trustees, according to Sec. 9, is objectionable, in not confining such investment to the Government security of the Province.

The act does not contain any limit as to the amount of interest, to be paid to Depositors, which is the case in England, though it provides that the surplus profits may under certain restrictions be appropriated to charity.

The Institutions by the act, are placed under the management of a Treasurer, Trustees, and Managers, who are to act gratuitously; but it provides, that before they undertake the office, each of them shall take AN OATH, for the faithful discharge thereof. This provision is very unusual and objectionable, as well as a subsequent clause, which obliges the Treasurer, Trustees, and Managers, or the major part of them to swear to the correctness of their annual accounts.

The Act, as it is at present framed, does not appear to be calculated to carry into effect the establishment of Savings Banks as they exist in this country; the provisions being much more applicable to a Joint Stock Investment Company; and though, in drawing the present Act, reference has certainly been made to the Acts for regulating Savings Banks in this country, yet the spirit and intention of them seem to me to be overlooked, and several important Clauses omitted.

I am aware that much depends on the manner in which the Rules and Regulations may be drawn, but I am nevertheless of opinion that in its present form this Act is not calculated to establish Savings Banks in the Province on a satisfactory foundation. You will therefore invite the Legislature to consider the objections above stated, and Her Majesty's decision on the Act will be suspended until I shall have learnt the result of their deliberations.

I have, &c.
(Signed,)

Stanley.

The R't Hon. Sir Charles Bagot,
&c. &c. &c.

(Copy.)

No. 187.

Downing Street,
30th April, 1842.

Sir,

Customs duties.

With reference to my Despatch of the 30th April, enclosing two orders passed by Her Majesty in Council on the 27th instant, confirming and leaving to their operation certain Acts of the last Session of the Legislature of Canada, I have to request your attention to the following remarks which arise on the Act to repeal certain Acts therein mentioned, and to "consolidate the Laws relating to the Provincial Duties to be levied on Goods, Wares and Merchandise imported into this Province."

Although Her Majesty has been advised to leave the Act to its operation, Her Majesty's Government have felt serious doubts as to the policy of maintaining so high a duty on Tea and on Madeira Wine, as that Act imposes. A duty of 3d. per pound on Tea will probably afford such encouragement to the illicit introduction of that article into Canada from the United States, as will at once prejudice the Revenue and discourage the importation of Tea in British Vessels.

There appears to be no sufficient reason for placing Madeira Wine in a less favourable position than the Wines of other Countries by subjecting it to higher Duties. Nor can I abstain from observing that the imposition by a Colonial Legislature of a differential Duty operating against the produce of any particular country is open to serious objection, and tends to embarrass the relation of the Mother Country with such Foreign State.

Inconvenience may also be anticipated from the scale of Spirit Duties under this Act when complicated with the Duties imposed by the possessions Act and the Imperial Act 14, Geo. III, Cap. 88, and very accurate instructions will in consequence be required by the Officers of Customs who are employed in collecting both the Imperial and Colonial Revenue, in order to define the amount which may be lawfully collected under these various Acts, not only on Spirits, but on other articles, more especially Wines, Refined Sugar, and Molasses, and Syrups.

Having, however, regard to the inconvenience and dissatisfaction which might arise in Canada, from the disallowance of this Act, and to the fact that changes in the Imperial Duties, payable upon the importation of Goods into the British possessions in America, are now under the consideration of Parliament, which will, if decided on, necessarily lead

to the Revision by the Provincial Legislature, of the Scale of Duties now established. Her Majesty's Government have felt themselves justified in recommending that this act be left to its operation.

I have, &c.

(Signed)

Stanley.

The Right Honorable

Sir Charles Bagot, &c. &c.

Punishment for offences.

Extract of a Despatch from the Secretary of State to ... His Excellency, the Governor General, dated, Downing-street, 3d April, 1843, No. 15.

"The act for better proportioning the punishment to the offence in certain cases (distinguished in the Records of this office as No. 198), substitutes for transportation, an Imprisonment of equal duration in the Penitentiary. Hence, in some cases imprisonment for life must be inflicted, although this is a penalty unknown to the Law of England. Hence, also it will happen that imprisonment for long terms of years must be of frequent occurrence. But between imprisonment for a large portion of a man's life, and transportation for the same period, there is no real equality. Transportation is in such cases by far the less severe penalty of the two, and it is a penalty of which the rigor progressively decreases as time passes on, and which is therefore always cheered and sustained by hope.

I should conclude that these considerations escaped the notice of the Framers of this Law. If brought to their attention by a suggestion from yourself, they would probably introduce into the Legislature another

(49)

Act for the amendment of that to which I refer. I can hardly doubt that such a proposal would, if made, be successful. In that hope Her Majesty's decision on No. 108 will be postponed."

(Copy.)

No. 103

Downing Street.
22d March, 1842.

Sir,

Currency and Banking.

In my Despatch of this day's date, I transmitted to you two Orders passed by Her Majesty in Council on the 11th instant, confirming various Acts and Reserved Bills, passed by the Legislature of Canada during their recent Session.

Although Her Majesty's Government have consented to the confirmation of those Bills which related to the different Banking Establishments, they have not done so without some degree of hesitation; inasmuch as those Bills, and especially that for the incorporation of the Niagara Bank, contain provisions more particularly with respect to the issue of small notes under the value of £1, which are altogether at variance with the regulations laid down by Her Majesty's Government, for the observance in Legislative enactments relating to the Incorporation of Banking Companies in the Colonies. As it appears, however, that the subject of these Bills was fully considered, both by the late Governor General, Lord Sydenham, and by the Members of the respective Houses of the Legislature, and that Lord Sydenham, fully aware as he must have been of the Regulations in question, had nevertheless expressed his intention strongly to recommend the Bills for Her Majesty's allowance; and considering also that the refusal to confirm them might in the present state of the Province occasion considerable embarrassment, Her Majesty's Government have thought it more expedient that they should receive Her Majesty's assent; Her Majesty's Government have been more readily led to adopt this course, from observing, that in each of these proposed Acts, a power is reserved to the Colonial Legislature to make such regulation regarding the issue and circulation of Promissory Notes by these or other Banking Establishments, as may hereafter be found advisable; and it would be far more satisfactory, that the evils, likely to result from continuing such a paper circulation, should be prevented by the interposition of the Colonial Legislature, than by the abrupt rejection of Acts to which the sanction of the Legislature of Canada, and of the Governor General has been after full consideration, deliberately given.

I have, however, to call your attention to the importance which Her Majesty's Government attach to the early reduction of that small paper circulation, to which the Acts in question give encouragement; and I cannot but express a hope that the Canadian Legislature will, at an early period, revise this part of the system of Banking in the Province, and secure to the people of Canada the benefit of a metallic circulation which is incompatible with the circulation of paper of this description.

The Currency Bill has likewise received the Royal Assent, but I have to call your attention to a material error (possibly occurring in transcribing the Bill) in the weight assigned to the Gold Eagle of the United States, which in the present Bill is stated to be eighteen pennyweights eighteen grains, Troy.

It is not improbable that inconvenience may attend the circulation of the Penny and its proportionate parts in currency of the British Penny, half-penny and farthing, in conjunction with the British Silver or Gold Coins, of which they constitute the ordinary fractional subdivisions; in that case, however, Her Majesty's Government would be

willing to cause a special copper coinage to be prepared for the use of the Province.

I have, &c.

(Signed,)

Stanley.

The Right Honourable
Sir Charles Bagot, &c. &c.

C. T. Metcalfe.

Disturbances
Beauharnois
Canal.

The Governor General transmits to the House of Assembly, in reply to their Address of the 10th Instant, the Report of the Commission of Inquiry into the disturbances upon the line of the Beauharnois Canal, during the last Summer, together with a statement of the Expenses consequent upon the quieting of the said disturbances, and also a statement of the Expenses of putting down the disturbances upon the Lachine Canal during the last Winter.

The expenses attending the Commission of Inquiry, relative to the disturbances on the line of the Beauharnois Canal, are not yet ascertained. But whenever their amount shall be determined, the Governor General will communicate a Statement of them to the House of Assembly.

Government House,
Kingston, 16th October, 1843.

(For the Documents accompanying the said Message see Appendix T.)

Civil List.

The Honourable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

A Memorandum containing some information respecting the Civil List, with suggestions for putting it on a more satisfactory footing, referred to in the Message of His Excellency, the Governor General, of this day, relating to the said Civil List.⁴

(For the said Memorandum see Appendix U.)

Hon. MR. HINCKS said that it might be desirable to offer a few explanations respecting the correspondences that have taken place between the Imperial and Provincial Governments upon this subject. It was well known that with regard to it there was only one opinion entertained by every member of the Administration, and that was that the establishment of a Civil List by the Union Act, was unconstitutional and inconsistent with the privileges that the representatives of the people ought to enjoy; and this being the case that it was most desirable to remedy it

and to have such a Civil List as this House was willing to grant. He was perfectly satisfied that there was not an hon. member of this House who would not vote a permanent Civil List for the Government of the Province and the Judges of the land. The views of every member of the Administration are fully expressed in the memorial now laid before the House. His Excellency the Governor General has been corresponding with the Home Government upon this subject, which correspondence is not yet complete, and for this reason it was not thought desirable to lay it before the House at the present stage of the proceedings. There are obvious reasons for his not doing so. It was enough for him (Mr. H.) to say that there was the greatest repugnance felt by the members of the Imperial Government to meddle with the Civil List; it will become, therefore, the duty of the Provincial Administration to ask the assistance of this House to endeavor to get the Imperial authorities to grant a measure so much desired by the great majority of the people of this Province. From the state of health in which our late lamentable Governor General, Sir C. Bagot, was in during the latter part of his administration in the Province, he was unable to take up the subject; but no time was lost after the arrival of the present Governor, in opening a correspondence with the Home Government; and it was the desire of the Provincial Administration to be able to communicate something satisfactory upon this point that caused the delay in summoning the Parliament. The very day that the communications arrived the Parliament was summoned; and while he regretted that they were not more satisfactory; still they will show that the Provincial Government have gone as far as they could. They have gone to the utmost length in proposing a Civil List; and endeavoring to place it under the control of the Assembly. Mr. Hincks moved that 500 copies of this document be printed for the use of the members.⁵

(49)

Ordered, That two hundred and fifty copies of the Message of His Excellency, the Governor General, on the subject of the Civil List, together with the Memorandum respecting the same, laid before the House, this day, be printed in each of the English and French Languages, for the use of the Members of this House.

Addresses to
Her Majesty &
Prince Albert.

The Honourable Mr. Attorney General Baldwin, one of Her Majesty's Executive Council, reported to the House, that the Governor General, having been waited upon, pursuant to their Order of

Friday last, humbly to know His Excellency's pleasure when He will be attended by this House with their congratulatory Addresses to the Queen and Prince Albert, on the birth of another Princess, and also the Addresses to His Excellency praying that He will transmit the said Addresses to Her Majesty's Government in England; had been pleased to appoint to be attended to-morrow, at two o'clock P.M.

Ordered, That when this House doth adjourn, it will adjourn until one o'clock, P.M., to-morrow.

Administration
of Justice, Lower
Canada.

A Bill to amend the Law relative to the Administration of Justice in Lower Canada, was, according to order, read a second time.⁶

MR. MOFFATT suggested that the jurisdiction of the Courts of Queen's Bench should extend beyond £20, as provided in the Bill, and that the Criminal Terms should be longer and more frequent, in order to prevent prisoners from being compelled to linger in jail for a long time. Also, that there should be resident Judges, so that the system might be extended to the country parts.⁷ The district of Montreal was far too large, both for Civil and Criminal Justice.⁸

MR. D. B. VIGER said, the Lower Canadians had striven for 30 years, to obtain an administration of Criminal Justice like that which prevails in England, but they were opposed by men who profess to be British in their feelings. Mr. Stuart had termed the present system, "organized tyranny." The hon. member for Montreal wishes for resident Judges. Let us look at France. There are too many resident Judges, and the administration of justice is a curse to the people. The greatest salary was only about £80 per annum, and it was thought a great boon when the King granted them £125. Every tribunal was composed of from seven to ten Judges. We should admit the criminal law of England, in all its details. The civil jurisprudence of France was superior to the English, but their criminal jurisprudence was most degrading, and it was unfortunate for France in that respect. He had compared the two, and had studied them for some years. Before the revolution, a celebrated writer of France went to Rome, and in the library of the Vatican he found a book containing the rules of the Inquisition, which struck him so much that he took extracts, and on his return to France published them. He showed them to a distinguished Judge, who said to him—"You think these rules horrible, and so they are; but our criminal proceedings are about the same." The English criminal law is the most noble system ever established in any country, and with it he would have those great constitutional principles of civil law that guard the liberty of the subject. In Lower Canada, Juries were called, in all cases of civil damages; but in the absurd system of Juries they were often chosen from one particular class of men, and one small part, (Montreal,) to decide all matters belonging to the whole district; and the honor, rights and liberty of the people, were left to the will of the Sheriff. When in the Assembly of Lower Canada, he had endeavored to establish in the country, that system which had been the glory of England, but his efforts had been frustrated by the Legislative Council. A good administration of justice would supply many of the deficiencies of a bad government.⁹

L'hon. MR. LAFONTAINE expliqua ensuite les clauses de son Bill qui

paraissaient objectionnables (sic) de manière à détruire toutes les fausses impressions, puis il fit motion que ce Bill fut ensuite soumis de nouveau à un Comité Spécial pour y arranger les matières de détail qui se trouvent dans le corps de la loi. M. Moffatt avait remarqué que ce Bill tendait à concentrer l'administration de la justice dans les villes à l'exclusion de la campagne, et l'hon. Proc. Gl. répondit à cela que le Juge Président dans la campagne pouvait devenir un tyran, et que le système proposé par Mr. Moffatt ne pouvait tendre par conséquent qu'à établir une tyrannie organisée dans la campagne, puis une jurisprudence incertaine que lui au contraire voulait rendre aussi uniforme que possible.¹⁰

(49)

Resolved, That the said Bill be referred to a Special Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Attorney General Lafontaine, Mr. Quesnel, the Honourable Mr. Morin, the Honourable Mr. Black, and Mr.

(50)

L. M. Viger, do compose the said Committee.¹¹

MR. HALE ... ((moved)) that the same Committee do inquire into the expediency of establishing Superior Criminal Jurisdiction in the District of St. Francis.¹²

MR. WATTS, in support of the motion, stated, that according to the present Bill, the British inhabitants of St. Francis having occasion to attend the Courts as Jurymen or otherwise, would have to cross three rivers, and go a distance of between fifty and a hundred miles, at a great expense; besides another very great objection,—the Court would be composed of a French Judge and Juries, to whom they would be unintelligible.¹³

((The motion)) ... was supported by MESSRS. WATTS, CHILD and AYLWIN¹⁴.

(50)

Ordered, That it be an Instruction to the said Committee to inquire whether it would be expedient to recommend Superior Criminal Jurisdiction being added to the Court of Queen's Bench for the District of St. Francis.

Independence
of Parliament.

A Bill for better securing the independence of the Parliament of this Province, was, according to order, read a second time.¹⁵

MR. LAFONTAINE, in reference to the Bill, observed, that it had been stated, that the present Administration was supported by office holders. The public would, by this measure, be able to form a correct

opinion of the value of such a statement. To have an independent Parliament it was necessary that it should be composed of independent men and not of office holders - more particularly the Judge, should be free from any suspicion of intrigue, which could not be the case while they were personally interested in election matters.¹⁶

MR. CHRISTIE made some observations upon it that were indistinctly heard in the gallery, from the low tone of voice in which the hon. member spoke.¹⁷

MR. WAKEFIELD expressed to the House his surprise, that the Administration should have introduced a measure of such character, and at the same time his perfect satisfaction with it. The course taken by the Government was well worthy of observation. This was the first time that a liberal Administration conducted the affairs of the Province - the first time that persons of French Canadian origin exercised any power in the Government, and instead of endeavoring to build it up, they seized upon the earliest opportunity to deprive themselves of the power they have.¹⁸ He regarded it as a striking evidence of their unblemished purity, and a sacrifice of private interests to public virtue. (Hear! hear!)¹⁹ He congratulated Mr. Lafontaine upon bringing forward such a measure.²⁰

MR. LAFONTAINE moved for a committee of the whole, to take the bill into consideration.²¹

MR. NEILSON said, that instead of his regarding it as a compliment to the public virtue of any party, he was of opinion that it would be looked upon by the people at home, as a proof of the rapid advance that corruption had made among us; that no one in possession of any office, however comparatively trifling, was sufficiently free from base motives, to be entrusted with any share in managing the affairs of the country. (Hear! hear!) In Great Britain, whose constitutional checks were so well understood and enforced, such an enactment as this was unknown.²² ((He)) thought it would be better to refer it to a special committee, so that it might undergo examination. He was friendly to the independence of Parliament, but he would not at the first proceed farther than other countries. He thought it would be well to take them for our models. In England there were many offices not subject to exclusion, and he would like the subject examined so that we might imitate them. The representatives sit here to express the opinions of the people, and it was necessary that they should be independent (sic); still he would not like to go farther than other countries. If the hon. gentleman liked to go into a committee of the whole and pass the measure as it was, he would offer no objection.²³

MR. WILLIAMS instead of agreeing with the hon. member, thought the bill did not go far enough. The principle he would go upon would be to allow a sufficiency to carry on the Government - some 12 or 14 - and

exclude all others. This would give the House independence (sic).²⁴

MR. AYLWIN regretted to differ from the hon. member for Quebec, respecting what he called British practice. There was no close analogy between this Province and Great Britain, in consequence of the difference that exists in the number of representatives. When it is considered that here there are only 84 members, we see a necessity for excluding all office holders. This necessity would not exist to the same extent if the number of representatives were as large as in England or the United States. There was a statement made in the memoirs of Lord Sydenham - he believed in some of his private correspondence - to the effect that Her Majesty's opposition was composed of the officials; now the bill before the House would put an end to such a state of things as this.²⁵

MR. PRICE congratulated the hon. gentlemen forming the Administration, upon this important measure. He confessed he had come to Parliament with some misgivings as to the course they might pursue. He never doubted but their measures would be good; but he thought it possible that they might be surrounded by influences that would prevent them adopting the course which it now appears evident they are determined to do, in administering public affairs. This Bill suited him exactly; it was a measure which took the power out of the hands of the Government and placed it in the representatives of the people. - This very bill will make the present Administration the most popular that has ever held power in Canada, and justly so. He looked upon it as an earnest of what was to come under their Administration. The bill as it now stood gave him perfect satisfaction, and had his most cordial approbation.²⁶

MR. JOHNSTON approved of the Bill, with the exception of one thing, it did not exclude the Chairman of the Board of Works, who could be much better employed in attending to his duty in different parts of the country.²⁷

(50)

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Watts took the Chair of the Committee,

Upon the first clause being read, MR. CHRISTIE moved an amendment, adding to the number of disqualified persons the Solicitors General and Queen's Counsel. The places of the former, he thought, might be well supplied by persons representing the agricultural and commercial interests.²⁸

MR. HENRY SMITH moved an amendment to one of the clauses, to the effect that all Queen's Counsel should be excluded from the House.²⁹

MR. BALDWIN opposed the amendment. Queen's Counsel was merely an honorary rank, conferred by the Crown without fee or reward attached to it. Although members of the bar were appointed Queen's Counsel, the Government was not bound to employ them; the consequence would be, that instead of employing silk gowns they would have to avail themselves of inferior talent, and employ those entitled to wear stuff gowns. The same practice that prevailed in England was merely adopted here, with regard to the profession. The right to wear a silk gown was a step to advancement, as it gave the right of precedence in the Courts of Law. In no other light could it be regarded, and to disqualify any of the profession on these grounds, might as well authorize the disqualification of the whole bar taken collectively.³⁰ With respect to the Solicitors General he would remark, that the position of the Cabinet (sic), having so many of that profession in it, had attracted the attention of its members; but the circumstance could not be immediately remedied. The organization of the Government was not yet complete, and could only gradually be rendered so. Many changes might yet take place before it was perfected, so as to work well, and suit the condition of the country. A change had lately taken place respecting the Secretaries-their number being diminished-and until they could see how far certain changes may work well, it would be premature to proceed further. The plan, however, was to make experiments until they could ascertain from experience what organization would be most conducive to the public good. His experience led him to see that changes must yet take place in the Administration before the system would be rendered complete; for instance it would probably be found that there must be some person appointed to remain at the seat of the Courts at Toronto. He himself found (and he believed he had not the reputation of being idle,) that it was absolutely impossible to do justice both to the business which the law requires, and to that which the Cabinet demands. When he came into the Cabinet, as a Crown Officer, he thought it could be done; but experience had changed his opinions upon the subject. He believed it would be found necessary that the Solicitor General should be employed in the legal business of the Crown exclusively, without the business of the Cabinet devolving upon him. It was so in England, and here the same necessity might be found to exist. But he did not see that this employment should necessarily exclude him from Parliament, or from taking part in the business of this House. He thought that by having the Solicitors General to assist them during Parliament in conducting the business of the House, and of confining him to the legal business of the Crown during the recess, that they would be making the most of them. His remarks were made chiefly with respect to Upper Canada; he was not well enough acquainted with Lower Canada to speak with respect to it; but he believed the same necessity would exist to follow the same plan. In thus being in this House as members of the Government, but not in the Cabinet, they would be following the plan acted upon in England. There, there were many who assisted the Government, who were not in the Cabinet. For these reasons he thought it would be seen that it was not expedient at present to exclude those

officers from a seat in Parliament, and for the reasons he had already stated, the Queen's Counsel, he thought should not be excluded.³¹

MR. CARTWRIGHT thought the Queen's Council were to be dreaded in proportion to their talents, should they prove unable to resist corruption.³²

MR. J. S. MACDONALD stated that the appointment of Queen's Counsel was lucrative in a great degree, where those who filled it were employed, and was open to this charge that to increase the fees, the Queen's Counsel could make out indictments against parties instead of sending their cases to the Quarter Sessions. (Hear! hear!)³³ He would support the motion for excluding them from the House.³⁴

MR. LAFONTAINE contended that the Solicitors Generals had a right to a Seat in the House, as they were obliged to go out of office with the rest of the Cabinet.³⁵

DR. DUNLOP liked the principle of the Bill, and thought the Administration deserved the thanks of this House and of the country, for introducing it. But he was not sure that it went far enough; for he thought that those who were excluded from the House by it, should not have the privilege of voting for a member of Parliament. He could not concur with the gentleman who had spoken last, that Queen's Counsel should be excluded. It was merely an honorary title - and they might as well exclude Doctors.³⁶

MR. MERRITT did not fully understand why the under Secretaries should not have been excluded; nor could he see why the Queen's Counsel were excepted; for he thought it an office conferring emolument. He would say nothing of the Solicitors General; because the Hon. Attorney General has stated that they cannot dispense with them, and that there is a necessity for an alteration of the whole system. He thought one set of officers enough. It had been used as an argument in favor of the Union, that one set of officers would be sufficient, and he hoped to see it carried out. There was only one office that he should have liked to have seen excepted; and that was the Registrars of Districts.³⁷

MR. PRICE was of opinion that if instead of the Solicitors General being in the Cabinet, their places could be supplied with two members representing agriculture and commerce, of congenial politics, it would be a change for the better.³⁸

Hon. MR. HINCKS could not see that any good arguments could be advanced for excluding the Queen's Counsel. The Attorney General had stated that the office was merely nominal - that it conferred no emolument; for the Government might employ those wearing stuff gowns. By excluding the Queen's Counsel from Parliament, you would exclude those of the highest

standing in Parliament-the very men whom you would naturally look to for your future Solicitor Generals; and thus the public business would be performed by men of inferior standing. - With regard to what has been stated, respecting the number belonging to the legal profession in the Cabinet, he could state that it would be absolutely impossible to carry on the business of the country with only one Attorney General, and one Solicitor General. - This will appear plain when we consider the different system of laws existing in Upper and Lower Canada; and when we consider the necessity that exists for one of them being at the Seat of Government to advise the Government. With respect to the assistant Secretaries, it is quite possible that a change may be required, and that it might be desirous that they should have a place in this House, especially if there be only one Secretary. But whilst he said this he did not think it desirable to fill the House with Government officers. There was one less during the present Session, and hon. gentlemen may find that a change which many of them have expressed themselves desirous to see, may shortly take place, - the Honorable President of the Board of Works may shortly be neither in the Parliament nor in the Government. Hon. gentlemen must be aware that there is only one member of the Executive in the Legislative Council. - Now it is inconvenient to him, being the only one to perform the duties that may devolve upon him. In case of his being sick there is no one to conduct the business; it may be found expedient, therefore, to have more in the Legislative Council. The design of the Bill is to exclude all officers from Parliament who are not required to vacate their offices upon a change of Administration.³⁹

Here some one asked if the assistant Secretaries would have to resign upon a change of Administration, if brought into the House.⁴⁰

((MR. HINCKS)) said they would most assuredly.⁴¹

MESSRS. HARRISON, MOFFATT, HALE, ROBLIN, NEILSON, and CAPT. STEELE also took part in the discussion, nothing further being elicited than that the majority of the speakers were opposed to the amendment⁴².

MR. CHRISTIE withdrew his motion.⁴³

MR. HENRY SMITH proposed an amendment, excluding the assistant Secretaries-assistant Inspector General and assistant Commissioner of Crown Lands ⁴⁴.

((He was)) seconded by MR. CARTWRIGHT⁴⁵.

((This)) was lost; only 5 members rising in his behalf.⁴⁶

MR. CARTWRIGHT moved an amendment to confine the disqualification of Registrars of deeds and titles, &c. to Lower Canada, the office being held there during pleasure, whereas in Upper Canada the tenure depended

upon good behaviour.⁴⁷

This was ... lost.⁴⁸

(50)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Watts reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Duties.

The Order of the day for receiving the Report of the Committee of the whole House, to consider the propriety of amending the Act 4 & 5 Victoria, cap 14, which imposes duties on goods, wares, and merchandize imported into this Province, and imposing duties on certain Agricultural products exempted from duties under the said Act, being read,

Ordered, That the said Order of the day be discharged, and the said Report be re-committed to a Committee of the whole House, to-morrow, and that it be then the first Order of the day.

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Attorney General Baldwin.

The House adjourned.

APPENDIX, 16 OCTOBER 1843.

((QUESTION AND ANSWER RE: PROPOSED POST OFFICE LEGISLATION.))⁴⁹

MR. THORBURN inquired if Government had any measure in contemplation, respecting the Post Office, and if they had, of what nature.⁵⁰

MR. DALY replied, that His Excellency would send down a message on the subject, probably to-morrow.⁵¹

((WITHDRAWN MOTION FOR A SELECT COMMITTEE RE: CANADA CORN LAWS.))⁵²

MR. MERRITT moved for a select committee to take into consideration all the despatches and correspondence relating to the Canada Corn Laws, with power to report therein, his object being that the best means might be adopted to draw the Western trade through our waters.⁵³

This course was objected to by MR. HINCKS and others, upon the grounds that it would be establishing the same sort of standing committees as Mr. Neilson had advocated at the commencement of the session; and taking a matter properly within the sphere of the Administration out of their hands. The Government had had this subject under their consideration, and would likely submit some measure to the House, connected with the subject.⁵⁴

The motion was withdrawn ((by MR. MERRITT)).⁵⁵

FOOTNOTES - 16 OCTOBER 1843.

1. MONTREAL GAZETTE, 20 October 1843.
2. IBID.
3. IBID.
4. The following was reported in: MONTREAL GAZETTE, 20 October 1843, and BRITISH COLONIST, 20 October 1843, in identical accounts; LA MINERVE, 21, 28 October 1843; KINGSTON CHRONICLE, 18 October 1843; MONTREAL TRANSCRIPT, 21 October 1843; and ST. CATHARINES JOURNAL, 2 November 1843.
5. KINGSTON CHRONICLE, 18 October 1843.
6. The debate on this matter was reported in: L'AURE, 19 October 1843, whose account was copied by LE CANADIEN, 23 October 1843; ST. CATHARINES JOURNAL, 2 November 1843; MONTREAL TRANSCRIPT, 21 October 1843; MONTREAL GAZETTE, 20 October 1843; and BRITISH COLONIST, 20 October 1843, in an edited version of the account in the MONTREAL GAZETTE, 20 October 1843.
7. MONTREAL TRANSCRIPT, 21 October 1843.
8. ST. CATHARINES JOURNAL, 2 November 1843.
9. IBID. L'AURE mentions that Viger's speech was one of the best he had ever given.
10. L'AURE, 19 October 1843.
11. The debate on this matter was reported in: MONTREAL GAZETTE, 20 October 1843, and BRITISH COLONIST, 20 October 1843, in identical accounts; LA MINERVE, 21 October 1843; and ST. CATHARINES JOURNAL, 2 November 1843.
12. MONTREAL GAZETTE, 20 October 1843.
13. IBID.
14. ST. CATHARINES JOURNAL, 2 November 1843.
15. The debate on this matter was reported in: MONTREAL GAZETTE, 20 October 1843, and BRITISH COLONIST, 20 October 1843, in identical accounts; MONTREAL TRANSCRIPT, 21 October 1843; L'AURE, 21 October 1843; KINGSTON CHRONICLE, 18 October 1843; and LA MINERVE, 21 October 1843, whose account was copied by LE CANADIEN, 23 October 1843.
16. MONTREAL GAZETTE, 20 October 1843.
17. KINGSTON CHRONICLE, 18 October 1843.
18. IBID.
19. MONTREAL GAZETTE, 20 October 1843.
20. KINGSTON CHRONICLE, 18 October 1843.
21. IBID.
22. MONTREAL GAZETTE, 20 October 1843.
23. KINGSTON CHRONICLE, 18 October 1843.
24. IBID.
25. IBID.
26. IBID.
27. MONTREAL GAZETTE, 20 October 1843.
28. IBID.
29. KINGSTON CHRONICLE, 18 October 1843.
30. MONTREAL GAZETTE, 20 October 1843.

31. KINGSTON CHRONICLE, 18 October 1843.
32. MONTREAL GAZETTE, 20 October 1843.
33. IBID.
34. KINGSTON CHRONICLE, 18 October 1843.
35. MONTREAL GAZETTE, 20 October 1843.
36. KINGSTON CHRONICLE, 18 October 1843.
37. IBID.
38. MONTREAL GAZETTE, 20 October 1843.
39. KINGSTON CHRONICLE, 18 October 1843.
40. IBID.
41. IBID.
42. MONTREAL GAZETTE, 20 October 1843.
43. KINGSTON CHRONICLE, 18 October 1843.
44. IBID.
45. IBID.
46. IBID.
47. MONTREAL GAZETTE, 20 October 1843.
48. IBID.
49. This matter was reported in: ST. CATHARINES JOURNAL, 2 November 1843; LA MINERVE, 19 October 1843, which was copied by LE JOURNAL DE QUEBEC, 21 October 1843, and by LE CANADIEN, 23 October 1843; and LA MINERVE, 21 October 1843.
50. ST. CATHARINES JOURNAL, 2 November 1843.
51. IBID.
52. The following was reported in: MONTREAL GAZETTE, 20 October 1843, and BRITISH COLONIST, 20 October 1843, in identical accounts; LA MINERVE, 19 October 1843, whose account was copied by LE JOURNAL DE QUEBEC, 21 October 1843, and by LE CANADIEN, 23 October 1843; ST. CATHARINES JOURNAL, 2 November 1843; and KINGSTON CHRONICLE, 18 October 1843.
53. KINGSTON CHRONICLE, 18 October 1843.
54. IBID.
55. IBID.

TUESDAY, 17 OCTOBER 1843.

One O'clock P.M.

(50)

Four Petitions
brought up.

The following Petitions were severally brought up and laid on the table.

By Mr. Dunlop--The Petition of William Rees, of the City of Toronto, Medical Superintendent of the Provincial Temporary Lunatic Asylum.

By Mr. Thorburn--The Petition of J. B. Clendernnan and others, inhabitants of Pelham and Louth, in the District of Niagara; the Petition of the Reverend J. F. A. S. Fayette, A. M. of Brantford; and the Petition of the Reverend Abijah Blanchard, D. D. of Pelham, in the District of Niagara.

Leave of absence
to Mr. Crane.

Ordered, That Mr. Crane have leave to absent himself from this House, for ten days, on urgent business.

Ordered, That when this House doth adjourn, it will adjourn until four o'clock, P.M., this day.

At the hour appointed, Mr. Speaker and the House attended upon His Excellency with the Addresses of the House.

And being returned,

Addresses to
Her Majesty, &c.

Mr. Speaker reported that the House had attended upon His Excellency the Governor General, with their congratulatory Addresses to the Queen and Prince Albert, on the birth of another Princess; and also, the Addresses to His Excellency, praying that he will transmit the said Addresses to Her Majesty's Government, in England, to which His Excellency was pleased to make the following answer:

Gentlemen,

I shall have pleasure in transmitting to the Secretary of State, for the purpose of being laid before the Queen, and His Royal Highness Prince Albert, your loyal Addresses on the birth of another Princess.

Then on motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Viger,
The House adjourned.

4 O'clock P.M.

Three Petitions
brought up.

The following Petitions were severally brought up and laid on the table:

By Mr. Merritt--The Petition of John Harris, and others, Inhabitants of Grimsby, and other Townships, in the District of Niagara.

By Mr. Thompson--The Petition of John Jarron and others, of the Townships of Moulton, Canborough and Sherbrooke.

By Mr. Cameron--The Petition of the Minister, Elders, Trustees and Managers of the St. Andrew's Church, in Hamilton.

Report on Petition of Rev. John Bethune and others.

The Honourable Mr. Moffatt, from the Select Committee to which was referred the Petition of the Reverend John Bethune and others, of the City of Montreal, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

"The Petition referred to your Committee, praying for the incorporation of a Company, for the purposes of Life Endowment, upon the principles of Mutual Insurance. From the equitable and beneficial nature of the principles upon which Mutual Assurance Companies are based, it appears to your Committee, that a Company established on such principles, would afford to persons, in the enjoyment of an annual income, but possessing little property, far greater facilities in providing for their Children or surviving relatives, than they could otherwise enjoy. Under the system of Mutual Insurance Companies, every desirable security is afforded, whilst under that of Proprietary Companies the guarantee consists in the stability of the Company and the condition of its affairs.

The profits also in the former case are devisable amongst the Assured, whereby the Rates of Assurance are diminished or advantageous in another shape afforded to the interested.

The establishment of Companies of this nature in Great Britain, having been productive of much benefit, your Committee are led to anticipate a like result from their introduction into this country, and therefore recommended the passing of a general law, to authorise the formation of Provident Mutual Life Assurance Companies throughout the Province; of the provisions of which law, the Petitioners will be enabled to avail themselves."

First Report of Committee on Private Bills.

The Hon. Mr. Moffatt from the standing Committee on Private Bills, presented to the House, the First Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

"Your Committee to which was referred so much of the Petition of the Ladies of the Committee of Management of the Lying-in Hospital of Montreal, as relates to an Act of Incorporation, beg leave to report

(51)

thereon as follows:--The Hospital was founded by private benevolence,

in January 1842, for the relief of distressed females, who from poverty are unable to procure the comfort and support requisite in their critical situation; the benefits of the Institution have now become so largely extended, that the Committee of Management are desirous of obtaining an Act of Incorporation, which your Committee humbly conceive, should be granted, and they therefore recommend to your Honourable House to pass an Act for the purpose."

Montreal Lying-in Hospital.

Ordered, That the Honourable Mr. Moffatt have leave to bring in a Bill, to Incorporate the Ladies of the Committee of Management of the Montreal Lying-in Hospital.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of Mr. Cartwright, seconded by Mr. Dunlop.

House of Refuge.

Resolved--That this House will on Friday next, resolve itself into a Committee of the whole House, to consider the propriety of establishing a House or Houses of Refuge, for Juvenile offenders, and to provide for the diminution of Crime in the Province.

MR. CARTWRIGHT ... stated that at present the common gaol is the common receptacle of all, and that instead of promoting the desirable reformation in those confined, that species of confinement rather increased than diminished the list.¹

MR. THORBURN ((seconded by MR. CHILD)) moved an address to His Excellency for certain statistics relative to the Post Office, and entered at some length into the discussion of the means which had been adopted to bring about a reform in that department.²

MR. HINCKS said he would not offer any opposition to the motion of his hon. friend but he would avail himself of the present opportunity to state that the subject of the management and present state of the Post Office - a subject of the utmost importance, had not escaped the attention of the administration; and he could assure hon. gentlemen that a great improvement would soon take place in that department. Still it was a subject attended with much difficulty, in consequence of involving the interests of several Provinces and the whole being under the control of the Postmaster General in England. There were some alterations, however, which he felt at liberty to announce. In the first place the perquisite of the Dept. Postmaster General from newspapers will be put an end to entirely and immediately; with respect to letters, it is proposed to charge by weight instead of by sheets, as at present. These were the most important, but others were under the consideration of the government.³

(51)

On motion of Mr. Thorburn, seconded by Mr. Child,

Post Office
Department.

Resolved--That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before the House the correspondence which has passed between the Home and Provincial Governments, respecting the Post Office Department, in this Province, or of British North America, and also of the United States of America, relative thereto, or any other information upon the same subject, which His Excellency may deem necessary and please to communicate; and also quarterly statements, shewing the gross amount of receipts and expenditures of the said Departments, in this Province, from the 5th January 1841, to the 5th January 1843; the amount of receipts derived from Letter Postage, and also the amount of Newspaper and Pamphlet Postage, stated separately, with the amount of perquisites arising from the latter description of Postage during the same period, to the Deputy Post Master General of this Province or his Deputies, separately stated; and also the amount of Postage charged to and paid out of the Provincial Funds of this Province, stating the amount paid by each Department separately during the same period; also any information relative to the Commission of Post Office Enquiry, referred to from the Throne in the opening Speech of the First Session of the present Parliament; and further, a statement of Salaries of Officers in the said Post Office Department of this Province, the amount thereof separately, and from what part of the funds thereof paid; whether from the aggregate of Letter, or Newspaper and Pamphlet Postage, naming the Officers in each Office, and the amount actually paid to each, or any other allowance to each for Office Rent, Stationery or otherwise; and further, if anything has been done to alter, augment, or reduce the present rate of Postage--and if so, what the nature of such alterations is, and the grounds or authority by which the same has been done.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Jones, seconded by Mr. Forbes,

Turnpike Road
from St. John's
to Granby.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the Ordinance. 4 Victoria, cap. 11, of the Governor and Special Council of the late Province of Lower Canada, intituled "An Ordinance to provide for the construction of a Turnpike Road, from the River Richelieu, opposite the Town of Dorchester, commonly called St. Johns, to the Village of Granby."

The House accordingly resolved itself into the said Committee.

Mr. Thorburn took the Chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Thorburn reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Presbyterian
Church.

Ordered, That the Honourable Mr. Neilson have leave to bring in a Bill to provide for the management of the Presbyterian Church of Canada, in

connexion with the Church of Scotland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

C. T. Metcalfe,

The Governor General transmits, for the information of the House of Assembly, a Despatch from Her Majesty's Secretary of State, respecting the arrangements of the Post Office in British North America.

Government House,
Kingston, 17th October, 1843.

(Copy.)

No. 74

Downing Street,
3rd August, 1843.

SIR,

Post Office.

Having, on my assumption of the Seals of this Department, found in my office a Report, drawn up by the Commissioners appointed by the late Lord Sydenham, to enquire into the system on which the Post Office in British North America was conducted; I addressed myself, at an early period, to the consideration of this document, but the complexity of the subject, together with representations, involving further inquiries, which have been received from the North American Colonies, subsequently to the presentation of the Commissioners' Report, has, unfortunately, created an unavoidable delay in announcing the decision of Her Majesty's Government on the propositions contained in

it. Nor am I able, even now, to communicate to you the decisions of Her Majesty's Government upon all those propositions. I do not, however, on that account, think it necessary to delay communicating to you, the course proposed to be taken on such of them as we have been able to decide upon.

We have determined, in the first place, to substitute the system of weight for that of enclosures, in the mode of charging the internal letters circulating in British North America; and, secondly, to abolish the Newspaper privilege of the several Deputy Post Masters General,

(52)

imposing on the public instead, a charge on newspapers, of one halfpenny for each sheet.

Thirdly, it is intended that the Colonial Legislative proceedings shall circulate at the rate of one penny for four ounces, limiting the weight of such proceedings sent by Post, in ordinary cases, like other printed papers to sixteen ounces, but reserving power to the Governor or Lieutenant Governor of each Colony, to give a special direction to the Deputy Post Masters of the Colony, to send any particular Legislative proceedings through the Post at the usual rate of one penny for four ounces, although the documents to be so sent shall exceed the established limit of sixteen ounces. Fourthly, we propose to authorize the reduction of the internal rates on the correspondence of British North America, conveyed either direct by Packet or private Ship, or by the way of the United States, to and from this country, to the uniform rate of two pence the half ounce, the charge being progressive with the weight.

Her Majesty's Government will give their attention to the substitution, in British North America, of Penny or District Posts, for a certain number of the existing Way Offices, as soon as we are in possession of the necessary information on the subject; nor shall we exclude from our consideration, the important subject of the disposal of the surplus Revenue arising from the Post Office in the British North American Colonies. Upon these points you will hereafter receive from me another communication.

I have further to add, that the compensation to the Post Masters, and other Officers connected with the Post Office of British North America, will be duly considered by Her Majesty's Government, so soon as sufficient information to enable us to form an opinion on the subject, shall have been furnished.

I have, &c.,

(Signed,)

Stanley.

The Right Honourable
 Sir C. T. Metcalfe,
 &c. &c. &c.

Ordered, That one hundred copies of the said Message, and of the Despatch accompanying the same, be printed in each of the English and French Languages, for the use of the Members of this House.

Financial
Statements.

The Honourable Mr. Hincks, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General, Financial Statements, required by a Resolution of the Legislative Assembly of the 8th September, 1841.

(For the said Statements, see Appendix V.)

On motion of Mr. Wakefield, seconded by Mr. Taché,

Correspondence

Beauharnois Canal.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause

to be laid before this House, copies or extracts of any correspondence that may have taken place between the Executive and the Stipendiary Magistrate recently appointed on the line of the Beauharnois Canal.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

English Copyright
Act.

Resolved, That a Select Committee, composed of Mr. Simpson, the Honourable Mr. Solicitor General Aylwin, Mr. Wakefield, Mr. Dunlop,

Mr. Forbes, Mr. Derbshire and Mr. Christie, be appointed to enquire into the effect of the English Copy Right Act, the consequent exclusion of American Reprints, and the policy of that exclusion, as connected with the probable influence on the minds of the rising generation of the Province, to report thereon with all convenient speed, with power to send for persons, papers and records.⁴

Debtors' De-
tention.

A Bill to provide for the detention and conveyance to Gaol of Debtors in certain cases, within Canada West, was according to order, read a

second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Tuesday next.

Courts of
Quarter Sessions.

A Bill to fix the period for holding the Courts of General Quarter Sessions of the Peace, in that part of the Province, formerly Upper Canada, was

according to order, read a second time,

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Williams took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Williams reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House,

Ordered, That the said Bill, as amended, be engrossed.

Independence of Parliament.

Mr. Watts, from the Committee of the whole House, on the Bill for the better securing the Independence of the Parliament of this Province, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

The Honourable Mr. Attorney General Lafontaine moved, seconded by Mr. Parke,

That the question of concurrence be now separately put upon the said amendments.⁵

L'hon. M. NEILSON dit qu'il ne croit pas la mesure bien conforme à la pratique anglaise, qu'en Angleterre il y a de ces emplois qui ne sont pas exceptés comme on propose qu'ils le soient ici, et cet exemple mérite qu'on le suive. D'ailleurs les exclusions indiquées dans le bill portent atteinte à la prérogative royale, et la législature provinciale ne peut pas les prononcer.⁶

(52)

The Honourable Mr. Neilson moved in amendment, seconded by Mr. Cartwright, that all the words after "That" in the said motion be struck out, and the following substituted: "The said Report be recommitted to a Committee of the whole House, with an instruction to modify the Bill so as not to establish any disqualification not established by Laws and Parliamentary practice in the United Kingdom, and more particularly to guard against all encroachments on the prerogative of the Crown to call such persons to the Legislative Council as it sees fit, conformably to the existing Laws, and the privilege of the people of electing their Representatives."

L'hon. M. LAFONTAINE dit qu'il a lieu d'être surpris de la proposition de l'honorable membre qui vient de s'asseoir (sic) (M. Neilson). Il a eu (lui M. La Fontaine) l'honneur d'occuper un siège en même temps que l'hon. monsieur dans la Chambre d'Assemblée du Bas-Canada, dont il fut pendant longtemps un des membres les plus distingués. Sa longue expérience le faisait regarder comme un modèle à suivre en faits de procédés parlementaires, et lui (M. La Fontaine) pouvait dire qu'il

l'avait regardé comme son mentor politique. Il ne voudrait donc pas lui manquer de respect, au contraire il a pour lui la plus grande déférence; mais en même temps il doit déclarer que l'honorable membre (M. N.) vient de recourir à un procédé assez singulier. Il a laissé le bill passer par toutes ses phases sans proposer d'amendement, s'étant simplement borné à quelques remarques générales, et après avoir déclaré franchement hier qu'il laisserait aller le bill en comité général sans ((s'))y objecter, il l'attaque aujourd'hui à l'improviste à son dernier étage. C'est là assurément un procédé extraordinaire. Voilà déjà deux ou trois fois que l'honorable membre pour le comté de Québec y a recours, et assurément il est temps de se prémunir contre une pareille tactique. Mais voyons pourquoi l'honorable membre s'oppose à la mesure. Sa première objection, il nous l'avait déjà fait connaître, c'est que nous allons au delà de la pratique anglaise; mais il en avait tenu une autre en réserve, il prétend que par cette mesure on se rendrait coupable d'empiètement sur la prérogative de la couronne. On doit d'abord faire observer à l'honorable membre que l'exemple de la métropole à ce sujet n'est pas d'une application rigoureuse. Dans la métropole les emplois publics se répartissent en général parmi une classe d'hommes dont les moyens ou la position sociale les placent au-dessus de tous soupçons de corruption. On ne peut pas du reste ignorer que ce sont les lords qui président aux choix des trois quarts des employés publics. L'état de la société est bien différent ici. La plupart de ceux qui aspirent aux emplois y voient principalement un moyen d'existence, et ne peuvent pas paraître indépendans aux yeux du peuple; de là le caractère suspect qui se rattache à un parlement composé en grande partie de ces individus. En Angleterre la même objection ne pourrait pas s'appliquer, en ce qu'en dépouillant de leurs places ceux qui y administrent certaines charges publiques, ils ne laissent pas de jouir de la considération et du crédit que leur donne leur position dans la société. Tout ce que l'on propose actuellement, c'est de retrancher du parlement un certain nombre de fonctionnaires qui, s'ils devaient continuer d'y siéger, justifieraient toutes les plaintes qu'on a faites contre le caractère de dépendance à l'exécutif qu'il aurait lieu d'avoir, et que ce bill, s'il devient loi, est de nature à faire disparaître. A la règle qu'on y suit, il n'y a d'exception que tout juste ce qu'il en faut pour ne pas nuire à l'administration du gouvernement dans ces (sic) rapports avec la législature et ses administrés, sans violer le principe invoqué dans le bill. L'Orateur aborde ensuite l'autre phrase de la question. Il dit que l'honorable membre pour le comté de Québec a prétendu que par cette mesure on se rendrait coupable d'empiètement sur la prérogative de la couronne. Il doit (lui M. La Fontaine) déclarer que si pour sa part il était coupable de ce dont l'honorable membre paraissait vouloir l'accuser, lui (M. Neilson) avait été coupable avant lui. Il lui demanderait s'il ne se rappelait pas d'avoir jamais voté pour l'expulsion des juges du conseil législatif dans le Bas-Canada? Les deux clauses du présent bill qui se rapportent à ce sujet sont presque mots pour mots les mêmes que celles qui s'y rattachaient dans la mesure en question. Les fonctionnaires dont il

s'agit étaient alors exclus de la Chambre d'Assemblée. Les juges provinciaux ne pouvaient être ni nommés au Conseil Législatif, ni élus membres de la Chambre d'Assemblée. L'Acte de 1810 ou de 1811 prononçait leur exclusion formellement quant à l'Assemblée, et plus tard dans des résolutions adoptées à une très forte majorité il fut question d'exclure les juges, non-seulement de l'Assemblée, mais même du Conseil Législatif. Quand on en vient à ces résolutions, qui furent proposées par l'honorable membre lui-même, (M. Neilson) on y trouve la sanction d'un précédent en faveur de la législation qu'on se propose (sic) actuellement, et on doit être surpris de voir l'honorable membre se mettre ainsi en contradiction avec lui-même. Qu'il avait été l'auteur de ces résolutions.⁷

Non, s'écrie M. NEILSON.⁸

((M. LAFONTAINE poursuit:)) l'honorable membre ne se rappelle-t-il pas qu'on demandait par ces résolutions un Conseil électif, chose dont lui (M. La Fontaine) n'avait pas même eu l'idée avant que l'honorable membre ne l'eût suggérée, et que jusque là il n'en avait pas même été question. Il doit se rappeler aussi qu'à cette occasion, il disait (lui M. Neilson) qu'il ne fallait laisser aux Canadiens rien à envier aux institutions des Etats-Unis. On avait aussi, entr'autres employés, exclu tous les officiers des douanes dans le Bas-Canada, et les circonstances dans lesquelles se trouve le pays rendent cette mesure également nécessaire. L'honorable membre se prend d'une belle passion pour la prérogative de la couronne. Il ne faut pas oublier de lui rappeler que l'exclusion des juges de la législature a été demandée dans le Bas-Canada par le Conseil Législatif lui-même. Jamais pourtant ce corps n'avait été libéralisé, et il s'était érigé en opposition aux représentants du peuple sur presque tous les points de législation. Les juges avaient reçu ordre de s'abstenir de siéger dans le Conseil Législatif. On voulait cependant y conserver le juge en chef, mais des dépêches reçues du ministre pour les colonies reconnurent la nécessité d'exclure jusqu'à ce fonctionnaire. On ne connaît pas, dit-on, de loi en faveur du principe invoqué dans le bill. Eh! qu'avons nous besoin de loi pour la sanction d'un principe? La mesure n'est-elle pas strictement en rapport avec le gouvernement constitutionnel? Que propose-t-on actuellement? D'exclure de la législature tous ceux des officiers publics dont la présence ne peut qu'y être une cause de faiblesse pour elle et pour le gouvernement. On convient qu'il faut exclure les juges, et, le principe reconnu, il ne s'agit plus que d'en faire l'application. A en juger donc du plus au moins on doit conclure que des officiers subalternes doivent également être exclus. On peut du reste citer des exemples où la prérogative royale a reçu de la législation, non pas précisément une atteinte, mais une certaine limitation dans la mise en pratique. Son bill (à M. La Fontaine) en portant que telle ou telle catégorie de personnes ne pouvaient, dans le Bas-Canada, être juges, n'était-il pas un de ces exemples. La prérogative royale n'y était elle pas restreinte par la disposition de son bill qui portait que les juges ne pourraient

être choisis que parmi les avocats qui auraient au moins dix années de pratique? D'ailleurs puisque la mesure actuelle émane même de ceux qui sont à la tête de l'Administration du pays, il est certainement à présumer que cette mesure ne répugne pas à la Couronne, et qu'il ne peut y avoir de meilleure gardienne de sa prérogative que la Couronne elle-même.⁹

L'hon. M. NEILSON porte ensuite la parole, mais il ne nous a été possible d'entendre qu'une faible partie de ses observations. Il a dit qu'il ne croyait pas avoir occupé la position que l'hon. membre lui avait attribuée. Qu'il n'était (lui M. N.) qu'un écrivain capable de faire des paragraphes de journaux, mais qu'il n'avait jamais été chef de parti, et ne croyait pas avoir servi de guide à l'honorable monsieur. Que quant à la prérogative royale il préférerait qu'on laissât à la Couronne d'en corriger elle même les erreurs.¹⁰

M. PARKE dit qu'il ne peut pas souscrire à l'avancé de l'hon. membre pour le comté de Québec: que ce bill soit une empiétation sur les principes fondamentaux de la constitution britannique. Comment! parce qu'on retrancherait un greffier de telle ou telle cour, un shérif, des régistrateurs, des officiers de douane, etc., tous gens plus ou moins dépendants de leurs places, ce serait là empiéter sur les droits du peuple? Bien loin de là, c'est vouloir assurer davantage ses libertés, puisqu'il s'agit de l'indépendance de ses représentants en parlement. Une armée d'officiels comme on en a déjà vue occuper nombre de postes parlementaires finirait nécessairement par tout envahir, et c'est alors que le peuple pourrait craindre pour ses libertés. L'indépendance de la législature ne pourra jamais s'asseoir (sic) sur des bases solides si on y admet ces employés qui pourraient tôt ou tard se trouver en majorité. Chaque branche de la législature doit être indépendante l'une de l'autre, et on n'arrivera à ce résultat d'une manière satisfaisante qu'en retranchant cette armée d'employés publics.¹¹

L'hon. M. MOFFAT dit qu'il avait été en faveur d'une mesure pour exclure certains employés de la législature du Bas-Canada; qu'il avait lui-même conduit le bill dans le conseil législatif et que ce bill avait été adopté; mais qu'on ((s'))y objectait à la présence de ces employés sur d'autres principes. Le greffier du conseil législatif était en même temps greffier du conseil exécutif, et c'était pour faire disparaître de semblables anomalies qu'il avait voté pour la mesure. Quant à l'allusion faite par l'honorable monsieur (M. La Fontaine) au juge en chef, il doit dire (lui M. Moffatt) que la couronne était bien mal avisée quand elle déclara que le juge en chef ne devait pas siéger au Conseil législatif. Il prétend que la mesure qui est actuellement devant la Chambre aurait dû y venir par message du gouverneur général, invitant la Chambre à prendre le sujet en considération en vue d'une adresse. Il espère qu'on sentira la nécessité de retirer la mesure actuelle.¹²

L'honorable (sic) M. AYLWIN dit qu'il est étonnant de voir que les soutiens de la prérogative de la Couronne soient dans les rangs de l'opposition et non parmi les membres du Banc de la Trésorerie, que tant de sollicitude de la part des premiers paraît tant soit peu suspecte. Il est important sans doute de suivre la pratique anglaise, mais l'honorable membre pour le comté de Québec ne va pas comparer cette Assemblée à la Chambre des Communes en Angleterre. On sait en effet, comme l'a fait justement remarquer l'honorable procureur général pour le Bas-Canada, que les trois quarts des employés publics en Angleterre sont nommés ou désignés par les lords. On ne peut pas espérer qu'une colonie possède autant de moyens en tous genres que la métropole, où d'ailleurs la Chambre des Communes se compose de plus de 600 membres et laisse les fonctionnaires qui y siègent ou qui y sont éligibles (sic) dans une proportion tout-à-fait insignifiante. Ici c'est tout le contraire. On n'aperçoit que trop d'éléments de corruption, et cela a donné lieu à beaucoup de plaintes; c'est pour y remédier que le présent bill est introduit. L'honorable membre pour le comté de Québec s'en est plaint lui-même, il fait constamment allusion à la majorité comme étant au fond la minorité, et c'est là, à coup sûr, se censurer lui-même quand il ((s'))objecte à une mesure dont l'objet est de mettre l'indépendance du parlement à l'abri de tout soupçon. Et non-seulement il est indispensable pour arriver à ce résultat de retrancher tous ces éléments de corruption, mais il faudrait en outre augmenter le nombre des membres de cette Chambre. S'il était portait (sic) à 120, par exemple, il serait impossible de porter atteinte à son caractère d'indépendance. On a demandé la liste de tous les membres qui occupent des places. Quel était l'objet de cette demande. Les messieurs de l'opposition voulaient créer l'occasion de faire voir que la Chambre était dans la dépendance du gouvernement, et lorsqu'on propose de suivre le principe même qu'implique leur propre démarche, ils s'en plaindraient! mais on a voulu dire que ce serait une empiétation sur la prérogative royale, sans faire attention qu'on fut d'une opinion contraire dans le Bas-Canada, et que du reste cette même prérogative sera nécessairement partie à l'acte qu'on propose. L'honorable membre vis-à-vis (M. Moffatt) a fait le panégyrique du Conseil Législatif du Bas-Canada tout en faisant allusion aux éléments de corruption que ce corps renfermait. Il nous a cité l'exemple d'un individu qui cumulait des emplois de greffiers, et l'honorable membre nous a dit comme il s'était élevé contre cela. Mais on ne peut pas dire que le Conseil Législatif du Bas-Canada eût à coeur la conservation des droits de sujets anglais. On se rappelle encore sa carrière factieuse et arbitraire, et comme il procédait à huis clos. Ce ne fut pas par déférence pour les dépêches envoyées du bureau colonial que le Conseil consentit à l'exclusion des juges de son sein, mais par suite des clameurs populaires, que sa conduite avait provoquées à un degré dont il fut effrayé. Il entravait constamment la marche du gouvernement en s'interposant entre ce dernier et les représentants du peuple qu'il avait pris à tâche de combattre et d'entraver. Heureusement cependant que tout cela a changé. Au lieu d'être écrasés par un Conseil

comme nous l'étions ci-devant, nous avons enfin vu faire un meilleur ordre de choses, et pouvons nous vanter de jouir de la justice et de la liberté. La question est de savoir si la Chambre peut chasser de son sein des individus qui lui sont dangereux? Certainement qu'elle a ce pouvoir. Et que voit-on en Angleterre? Les officiers de douane, et des bureaux de poste, les officiers d'excise et les précepteurs (sic) d'impôts, les contractants avec le gouvernement, tout cela est exclu. Et que demande-t-on autre chose ici? Le bill peut aller plus loin dans les détails, mais ceci ne peut fournir matière à objection dès que le principe est admis; car l'état de la société et les autres circonstances ne sont pas les mêmes (sic) dans les deux pays. Ici que voit-on? Une foule d'employés subalternes, qui empochent bien souvent plus qu'il ne leur est alloué au moyen de ruses et de fraudes. Il n'y a pas jusqu'à lord Sydenham, qui, en voyant le parlement plein d'employés faisant de l'opposition, n'ait condamné cet état de choses comme une anomalie en fait de gouvernement. C'est pour avoir voulu maintenir le principe qu'on reconnaît que l'administration s'est vue assaillir par le mensonge et la calomnie. On a vu jusqu'à un greffier de la paix pousser l'effronterie et l'indécence jusqu'à vouloir triompher de l'élection du procureur général de Sa Majesté. Il n'y aurait pas de gouvernement possible avec un tel ordre de choses. Que dirait-on en Angleterre, que ferait sir Robert Peel, s'il voyait par exemple un sous-secrétaire monter sur le hustings pour contester son élection? Ce dernier ne serait-il pas chassé sur le champ? Il est grandement temps d'apprendre ici à ces mirmidons (understrappers) de se tenir à leurs places, et de s'occuper de leur besogne. Quant aux régistrateurs qu'on voudrait aussi ne pas voir exclus, ce sont précisément ceux qui méritent le plus de l'être. Tous les votes du comté sont connus au régistrateur, il enregistre tous les titres, et a des rapports avec tous les voteurs; en sorte que son emploi est entre ses mains un puissant levier électionnaire (sic). On comprend aussi très bien l'influence qu'il en pourrait tirer pour capter la confiance des électeurs, d'électeurs qui, n'étant pas encore bien au fait du système perfectionné du gouvernement actuel, seraient portés à s'imaginer que le semblant d'importance dont ces petits personnages ne manquaient pas de s'entourer sous l'ancien système pourrait se prolonger dans le nouveau, erreur bien grande sans doute, mais qui disparaîtra à mesure qu'on aura appris à mieux connaître nos principes constitutionnels. Il est un fait notoire qu'un de ces greffiers a parcouru certain comté en vue de s'y faire élire membre de cette Chambre, promettant des places à qui le soutiendrait comme s'il eut été le dispensateur du patronage du gouvernement, et ce qui est le plus extraordinaire, c'est qu'il ait pu trouver des gens assez simples pour le croire. Il avait espéré (lui M. Aylwin) que le bill ne rencontrerait aucune opposition. On savait pourtant que la position des opposants en cette Chambre les porterait naturellement à faire ce qu'ils font, c'est-à-dire à combattre à tort et à travers, et quand même. Il en est qui siègent parmi l'opposition qui ont tiré des coffres publics de fortes sommes pendant bien des années.. On voit par exemple un hon. membre qui figure comme chef de l'opposition,

et il a eu pour sa part au moins £400 par année de l'argent du peuple, et cela pendant longtemps. On peut en dire autant d'un hon. membre investi d'un haut emploi judiciaire. Et (sic) bien quand on voit cela, peut-on s'étonner qu'on dise qu'il y a anomalie dans les éléments dont se compose ce corps ? La théorie et les faits démontrent également la sagesse de la mesure de son hon. ami, le procureur général pour le Bas-Canada. Le passé a prouvé combien il était dangereux de confier le pouvoir à cette multitude d'officiels qui l'avaient (sic) accaparé. Les abus de l'Administration en conséquence de cela avaient été tels qu'ils avaient indisposé le peuple, non pas contre la reine, non pas contre l'Angleterre, mais contre les employés eux-mêmes. Il est donc prudent de se défaire d'eux, et de les reléguer dans leurs départements respectifs, et non seulement cela, mais de les mettre à l'avenir dans l'impossibilité de soutirer des milliers de louis aux dépens du peuple et du gouvernement.¹³

MR. CARTWRIGHT did not intend to intrude any observations this evening upon the bill before the House; but as the hon. and learned Solicitor General had thought proper to allude particularly to him, he could not but say a few words. He thought that when the Constitutional Act authorized him to take a seat in that House, he did not necessarily come bound hand and foot, and pledged to support the government, whether right or wrong. On all occasions I have given what I conceived to be a right vote, and have been governed solely by what I have believed to be the true interests of the country. The situation which he held, he had held for ten years; it was not of his own seeking, he accepted it at the earnest solicitation of his brother magistrates, who waited upon him in a body, headed by a gentleman not now here. The emoluments which he had derived from that office, and which were not great, he had applied solely to the extension of his law library, to which his hon. friend the Attorney General would bear him witness. The gentlemen of the profession had ready access on all occasions. But if it was thought that because he held office he would come down to the House and vote blindly for the government, those who entertained that opinion formed but a poor estimate of his character. He had not only on recent but on former occasions opposed the government; he did expect that he would have been deprived of the office which he held, and was prepared for the sacrifice; and when he thought it his duty he would still oppose the government, either in that House or out. He had hitherto acted conscientiously, and would continue to do so, whether the expression of his views was pleasing to the administration or not. - With reference to the case of Mr Murney it was not his intention to renew the discussion on the question of that gentleman's dismissal; but he would say that the hon. Solicitor-General's allusion was, to say the least, unfortunate. Mr Murney had previously represented Hastings, and instead of opposing Mr Baldwin on the occasion alluded to, Mr Baldwin went there to oppose him.¹⁴

MR. HINCKS said that from the manner in which, the hon. gentleman who

had last spoken had alluded to the remarks of the hon. Solicitor-General, it would be inferred that hon gentleman contended that persons who held office should as a matter of course support the government. Such was not the design of his language; it was that office-holders in the House might be induced to support the government, or might use the influence of office in opposition.¹⁵ Est-il juste que des employés puissent exercer l'influence qui peut-être (sic) attachée à sa charge pour se faire élire? Est-il juste que le gouvernement puisse exercer sa propre influence sur ces officiers et assurer leurs retours pour s'appuyer d'eux? Peut-on par exemple permettre à des juges de prendre part à la politique et de s'exposer aux soupçons de l'esprit de parti? On a parlé de la démission de M. Murney comme greffier de la paix pour le district de Victoria, et on a dit que c'était une tache sur l'Administration; mais rien n'était plus justifiable que cette démission. M. Murney avait largement usé de sa position officielle pour faire réussir son élection, cela seul suffisait pour nécessiter son renvoi. D'ailleurs on n'a jamais vu en Angleterre d'employés subalternes pousser l'indécence jusqu'à s'opposer à leurs supérieurs en office. On sent que cela ne doit pas être. M. Murney devait résigner, ou s'abstenir de la lutte électorale.¹⁶

L'hon. M. VIGER fait quelques observations¹⁷.

L'honorable M. MOFFATT ((fait quelques observations)).¹⁸

(52)

The question having been put upon the motion for amendment, a division ensued, and the names being called for they were taken down as followeth:

YEAS.

Messieurs CARTWRIGHT, MCLEAN, MOFFATT, NEILSON, and WATTS.--(5.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHESLEY, CHILD, CHRISTIE, DALY, DEWITT, DUNN, DURAND, FORBES, FOSTER, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES,

(53)

HOPKINS, JONES, KILLALY, LAFONTAINE, LESLIE, D. McDONALD, J. S. McDONALD, MERRITT, MOORE, MORIN, MORRIS, NOEL, PARKE, POWELL, PRICE, QUESNEL, ROBLIN, SIMPSON, HARMANNUS SMITH, GEORGE SHERWOOD, STEELE, TACHE, TASCHEREAU, THOMPSON, THORBURN, D. B. VIGER, L. M. VIGER, WAKEFIELD, and WILLIAMS.--(52.)

So it passed in the Negative.

The question being then put on the main motion it was agreed to,

And the said amendments being again severally read, and the question of concurrence being separately put thereon, they were agreed to by the House.

Ordered, That the said Bill as amended be engrossed.

Duties.

The Order of the day for the House in Committee on the recommitted Report of the Committee of the whole House to consider the propriety of amending the Act 4 & 5 Victoria, cap. 14, which imposes duties on Goods, Wares and Merchandize, imported into this Province, and imposing duties on certain Agricultural products exempted from duty under the said Act, being read,

The House accordingly resolved itself into the said Committee.

*Mr. Taschereau took the Chair of the Committee,*¹⁹

MR. HINCKS moved a series of resolutions to the following effect - To exempt from duty, agricultural products and cattle imported into the province, for the use of the fisheries in Gaspe; to remit all duties upon live stock imported in virtue of contracts entered into with the commissariat, before the 1st of October, and to have the duties levied under the act passed last session; and to admit free all cattle and swine imported for exportation - warehousing ports to be established for this purpose.²⁰

MR. THORBURN contended that the contractors were fully aware that a measure of this kind was to be introduced, and had made their contracts accordingly; that the farmers looked to the contracts as a market for their products which would be closed to them for a certain time, by this resolution; that it was only a month before the meeting of Parliament, that these contracts were closed; and that the onus of the measure would fall upon the inhabitants, while the contractors, who could afford it, would be exempted.²¹

MR. CAMERON argued in favour of the contractors.²²

CAPTAIN STEELE spoke to the same effect.²³

MR. HALE observed that the member for Simcoe had great sympathy for the commissariat, and none for the farmers. The contractors were prepared for this measure.²⁴

MR. MOORE - Who are the contractors? Not inhabitants of Canada; but denizens of the United States. Many who had taken contracts in Lower Canada, were natives of Vermont; and were these men, inhabitants of a foreign country, to step in, and usurp the rights of the people of Canada, and operate as a barrier to her farmers obtaining a remunerating price for their products? (Hear, hear.) Such was the distressed state of the farming population, that it was imperative they should have relief to its full extent, and not by half measures. Contracts were a lottery; and those who made them, must submit to the changes in the times.²⁵

MR. CHILD while supporting agriculture, would act with justice towards the contractors.²⁶

MR. SIMPSON was opposed to the whole of the measure. He regretted it.²⁷

MR. HINCKS explained - The resolution in favour of the contractors had nothing whatever to do with the crown; but was intended as an act of justice towards those who had entered into engagements with the commissariat, upon the faith of existing laws.²⁸

MR. NEILSON could not understand how it could be known to every one, that this measure was to be introduced, when it was rejected in 1841, brought forward the following session, and then dropt (sic). In England, contracts were held inviolable: why not here?²⁹ ((He moved an amendment)) against the whole³⁰.

((The amendment)) was negatived by a vote of 48 to 8³¹.

MR. MOORE - In 1841, a system of reciprocity prevailed in the United States. Since then, a duty of twenty per cent. had been imposed there upon our products. The consequence was, that the agriculturists of Canada were clamorous for a protective system.³²

MR. THORBURN desired to know why the contractors for the Board of Works, were not also to be exempt? They were paid by the public, and held their contracts for twelve months; whereas, the commissariat contracts were only for six months.³³

MR. JOHNSTON was in favour of exempting existing contracts from duty.³⁴

MR. DURAND expressed opposite opinions, and maintained that the farmers only wanted a remunerating price.³⁵

The resolution exempting live stock imported to fulfil existing contracts with the Commissariat, was passed, by a vote of 42 to 14.³⁶

A long debate ensued upon the last resolution, to admit free cattle and swine imported for curing; no duty to be paid for the same, but a bond entered into, - such provision to be housed in warehouses provided by the government at the different ports.

Nearly the whole of the supporters of agriculture in the House, rose up ... against this resolution, contending, that it would open a door to a system of fraud and deception throughout the Province, that would defeat the whole measure; it being utterly impossible to bond the swine and cattle that would be imported - which, when once landed in the country, would spread here and there, and be disposed of just as before, when no act existed imposing any duty at all.³⁷

MR. ROBLIN said, that by this provision, a bond might be entered into, to export a certain number of barrels of beef or pork, the drawback would be got, whether it was American or Canadian beef and pork.³⁸

CAPT. STEELE desired, that the agriculturalists should be fostered,

and looked upon them as the best customers of the merchant.³⁹

MR. CHILD saw a great opening for deception in this resolution.⁴⁰

MR. MERRITT pronounced the opposition to the resolution as, inimical to the interests of the farmer himself, as well as to the country at large, as, by excluding the produce of other countries from our waters, it would prevent a home market from being established among us, and thereby decrease, instead of adding to the number of our consumers. The policy of Great Britain was, to create a home market. The United States had done so, and had imposed high duties upon imports. Canada was in a very different position, and depended for her home market in drawing through her waters, the produce of the western States. Already a great deal of the carrying trade had been taken from us, and were any injudicious measures to be adopted, we should lose it all.⁴¹

MR. DURAND would rather have no canals, than that our agricultural interests should be sacrificed to them. The farmer first paid his share towards the debt contracted for the canals, and after submitting for a length of time to a system of absolute impoverishment and depression, was coolly recommended to be content to go on under such a system. For what? to create a home market! - that is, a home market was to be created for those men who had been swept into ruin by the very system by which it had been created, and who no longer wished to supply it.⁴²

MR. HINCKS said that although he was aware that drawbacks were open to fraud, still, he thought by a system of bonding, this might be obviated. - Farmers had now the home market open to them, and surely they could not desire to cripple commerce. By diminishing the carrying trade, the number of consumers would be diminished. The reason that the Imperial Government had not imposed a duty upon provisions imported into the Province, was, to benefit our commerce and for our own consumption. As to the impossibility of the drawback system being carried out, he (Mr. Hincks) would mention a case in point. In Great Britain, where no people were more studious of their interests than the West India Sugar merchants, the refiners, on account of the high price of West India sugar, were allowed to have foreign sugar duty free out of bond, which after it had been refined, was returned to the bonding warehouse for exportation.⁴³

MR. WILLIAMS and CAPT. STEELE followed in opposition to the clause.⁴⁴

MR. WATTS maintained, that the merchants could well afford to pay a higher price than they did. Some he knew had given only \$2½ for beef. They could very well afford to pay \$5. The tax proposed upon agricultural imports, would be merely diminishing the very large profits of the buyer, who became rich at the farmer's expense. At present, the Canadian farmer only had one market, while the Americans had access to two, - their own

and ours. It was impossible for our agriculturalists with small means, to compete with those of the United States with large and well cultivated farms. Here, agriculture was in its infancy, and required fostering, - there, it had arrived to maturity, and could defend itself. The Americans under the present system, could glut our markets when they pleased, while we helplessly looked on. If however, the proposed relief, was to be hampered in the way in which it would be by this resolution, he (Mr. Watts) would rather have no bill at all, as it would be merely giving the shells to the farmers, and the oysters to the merchants.⁴⁵

MR. ROBLIN pronounced the resolution a manoeuvre not one word having been mentioned to him about the drawback, although he had been consulted upon the measure generally. The member for the North Riding of Lincoln, (Mr. Merritt) he said, was carried away with his theories about a home trade. The home trade of Canada was to be found in her land, millions of acres of which were untilled, while in England every inch was taken up, which compelled the people to seek other channels to employ their labour and capital. If any wished to import fresh beef and pork for the sake of trade, let them pay the duty on it. If speculations in the carrying trade did not succeed, it was the fault of those who engaged in them. - They placed their dependence on trade and must abide by the results. It would be, therefore, an act of gross injustice, to call upon the farmer to bolster up the commercial classes, when the latter were generally wealthy men, while the former was poor and depressed.⁴⁶

MR. HINCKS replied at some length, showing that the object of the resolution, was to protect commercial interests, without, in the slightest degree, encroaching upon those of the farmer.⁴⁷

MR. JOHNSTON said, the whole was a trick on the part of the Government who left the Inspector General to battle it out. The measure had been brought forward to secure a certain number of votes, and now this resolution was tacked on, to please another party. It was a cunning stratagem throughout.⁴⁸ Amidst continued cries of question, question, the debate was adjourned⁴⁹.

(53)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Taschereau reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow,

and that it be then the first Order of the day.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

*Then on motion of Mr. Hamilton, seconded by Mr. Berthelot,
The House adjourned.*

FOOTNOTES - 17 OCTOBER 1843.

1. KINGSTON CHRONICLE, 21 October 1843.
2. IBID.
3. IBID.
4. This was moved by Mr. Simpson, as reported in: BRITISH COLONIST, 24 October 1843, and MONTREAL GAZETTE, 21 October 1843, in identical accounts.
5. The debate on this matter was reported in: BRITISH COLONIST, 24 October 1843, in an account identical to that of the MONTREAL GAZETTE, 21 October 1843; KINGSTON CHRONICLE, 21 October 1843; ST. CATHARINES JOURNAL, 2 November 1843; LE CANADIEN, 23 October 1843; and in LA MINERVE, 21, 28 October 1843, whose accounts were copied by LE JOURNAL DE QUEBEC, 2 November 1843.
6. LA MINERVE, 28 October 1843.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. KINGSTON CHRONICLE, 21 October 1843.
15. IBID.
16. LA MINERVE, 28 October 1843.
17. IBID.
18. IBID.
19. The debate on the following matter was reported in: BRITISH COLONIST, 24 October 1843, in an account identical to that of MONTREAL GAZETTE, 21 October 1843; KINGSTON CHRONICLE, 18 October 1843; and ST. CATHARINES JOURNAL, 2 November 1843. A commentary may be found in KINGSTON CHRONICLE, 21 October 1843. The KINGSTON CHRONICLE, 21 October 1843, observed that "the only speeches delivered upon the occasion worthy of the slightest attention were those of Messrs. Merritt and Hincks, who seemed to understand the interests with which they were dealing. Want of space prevents us from making a more lengthened comment upon the character of the debate, and upon the views expressed."
20. BRITISH COLONIST, 24 October 1843.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. ST. CATHARINES JOURNAL, 2 November 1843.

31. IBID.
32. BRITISH COLONIST, 24 October 1843.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. ST. CATHARINES JOURNAL, 2 November 1843.
38. BRITISH COLONIST, 24 October 1843.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.

WEDNESDAY, 18 OCTOBER 1843.

(53)

12 Petitions
brought up.

THE following Petitions were severally brought up and laid on the Table:--

By the Honorable Mr. Harrison--The Petition of John E. Kingston, of the Township of Bedford, in the Midland District.

By Mr. Price--The Petition of John A. Wilkinson, and others, inhabitants of the Western District; the Petition of the Municipal Council of the Western District (relating to duty on tobacco); the Petition of the Municipal Council of the Western District (relating to imprisonment for Debt); and the Petition of J. E. Baby, and others, Freeholders and inhabitants of the Western District.

By Mr. Roblin--The Petition of the Prince Edward District Agricultural Society.

By Mr. Morris--The Petition of Alexander Wylie and others, Presbyterians, of the Townships of Edwardsburgh and Augusta.

By Mr. Gilchrist--The Petition of the Municipal Council of the District of Colborne.

By the Honourable Mr. Jones--The Petition of E. J. Briggs and others, inhabitants of the Municipal District of Missisquoi; the Petition of Francis Maine and others, inhabitants of Foucault, Canada East; the Petition of A. Chapman and others, of the County of Rouville; and the Petition of Godfrey Esinhart and others, Tavern Keepers, of the Town of Dorchester, in the Parish of St. John the Evangelist.

Independence
of Parliament.

An engrossed Bill for better securing the independence of the Parliament of this Province was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Lafontaine do carry the said Bill to the Legislative Council, and desire their concurrence.

General Quarter
Sessions.

An engrossed Bill to fix the period for holding the Courts of General Quarter Sessions of the Peace, in that part of the Province formerly Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartwright do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of E. Crevier and other Inhabitants of the Township of Acton, and other places; praying a grant to repair three miles of road formerly made at the public expense of the Province, between the Township of

Grantham and the ninth Concession of St. Hyacinthe.

Of Paul Lussier, and other Inhabitants of the Parish of Ste. Anne de Varennes, in the District of Montreal; praying that a duty may be imposed on agricultural produce and live stock imported from the United States;--that a premium may be granted on certain Canadian manufactures;--that the District and Division Courts may be abolished, and the Commissioners Courts re-established;--and that the owners of Steamboats may be compelled to adopt certain precautions against fire.

Of the Honourable W. W. Baldwin and others, Inhabitants of the Home District, praying for agricultural protection.

Of Charles Heon and others, Inhabitants of Blandford, in the District of Nicolet; praying aid for a road in the said District.

Of B. Hubbs, A. Campbell and W. Rorke, late Boundary Line Commissioners for the District of Prince Edward; praying that a summary mode may be provided for recovering the costs and expenses incurred by them under the late Boundary Line Commissioners' Act.

Of William McNaughton and others, Presbyterian Inhabitants of Ormstown, in the County of Beauharnois; praying for the passing of a law to provide for the management of the Temporalities of the Presbyterian Church of Canada.

Of Jacob Beam and others, Inhabitants of the Townships of Clinton and Grimsby, in the District of Niagara; praying that the benefits of the University of King's College, be extended to all classes of Her Majesty's subjects.

Of William Henry Roy and others, who served in the embodied Militia of Lower Canada, during the last war with the United States of America; praying remuneration for their services.

Of the Municipal Council of the District of Wellington; praying that certain amendments be made to the Municipal Council Act.

Of the Municipal Council of the District of Wellington; praying for certain amendments to the Laws relating to the Assessment of Lands.

Of the Municipal Council of the District of Wellington; praying for the passing of an Act to define the limits of the said District.

Of the Municipal Council of the District of Wellington; praying for certain amendments to the Common School Act.

(54)

Petitions read. Of the Municipal Council of the District of Wellington; praying that the Township of Wilmot may not be separated from the said District.

Of the Reverend John Machar, Minister of St. Andrew's Church, in Kingston; praying for the passing of an Act to provide for the management of the Temporalities of the Presbyterian Church of Canada.

Of John Sweeny and others, commuted Pensioners, and discharged Soldiers; praying for grants of land, without the obligation of Settlement Duties; or the value of such grants in Scrip.

Of Mrs. Jane Pigott, of the City of Quebec; praying that the grant of Fifty Pounds, formerly made to her late husband, by the Legislature of Lower Canada, for scientific services, may be continued in her favour.

Of Ebeneser Bell, and others; praying that steps may be taken for the reduction of the number of Taverns throughout the Province.

Of William Bell and Malcolm Cameron of Perth; praying for a certain amendment to the Tay Navigation Act.

Of John Colvin and others, Debtors confined in the Gaol of the District of Bathurst; praying for the passing of an Act to allow confined Debtors to take exercise in the yards adjoining the Gaols throughout this Province.

Of Thomas Scott, of South Burgess, in the District of Bathurst, Stone Mason; praying payment of certain claims against the Commissioners for the Cornwall Canal.

Of the Right Reverend Patrick Phelan, Bishop of Carrhoe, Coadjutor and Administrator of the Diocese of Kingston; praying an aid for the completion of a Catholic Seminary in the town of Kingston.

Petitions Referred. Ordered, That the Petition of H. St. Germain, and H. St. Germain and J. L. Lavolette, of the Parish of St. Eustache, in the District of Montreal, presented to the House on the tenth instant, be referred to the Standing Committee on Private Bills.

Montreal Medical Board. Resolved, That the Petition of the Montreal Medical Board, praying that a Law be passed to regulate the Study of Medicine, be referred to a Select Committee composed of Mr. Boutillier, Mr. Dunlop, Mr. Taché, Mr. Noel, Mr. Gilchrist, Mr. Foster, and Mr. Harmanus Smith, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

W. Smart and
others.

Municipal Council,
Niagara District.

A. Kilborn and
others.

Ordered, That the Petition of William Smart, and
other Inhabitants of the County of Durham,
presented to the House on the twenty-ninth of
September last; the Petition of the Municipal
Council of the Niagara District, praying for
Agricultural protection; the Petition of
Alexander Kilborn and others, Inhabitants of
the County of Stanstead, praying for Agricul-
tural protection ... be referred to the

Committee of the whole House to consider the propriety of amending the
Act 4 & 5 Victoria, Cap. 14, which imposes duties on goods, wares, and
merchandise, imported into this Province, and imposing duties on certain
Agricultural products exempted from duty under the said Act.

MR. HINCKS¹ presented a petition from W. W. Baldwin and other
inhabitants of the Home District, praying for Agricultural Protection.
He said that this was a petition from one of the most intelligent
Districts of Western Canada, and he felt anxious to have a short extract
from it. He here read an extract which concluded by stating that how-
ever anxious they were for Agricultural Protection, they did not desire
the imposition of any duties detrimental to the trade or commerce of
the country.²

(54)

Hon. W. W. Baldwin
and others.

and ((it was ordered that)) the Petition of the
Honourable W. W. Baldwin and others, Inhabitants
of the Home District; be referred to the Committee
of the whole House to consider the propriety of amending the Act 4 &
5 Victoria, Cap. 14, which imposes duties on goods, wares, and merchandise,
imported into this Province, and imposing duties on certain Agricultural
products exempted from duty under the said Act.))

MR. FORBES³ presented a petition from certain shoe makers of Montreal,
praying for protection, by the imposition of duties on foreign leather
and manufacutred shoes.⁴

This was objected to by MR. HINCKS, upon the grounds of the Home
Government not permitting the Provincial Legislature to impose differen-
tial duties. If a duty of 30 per cent, prayed for in the petition, were
to be placed upon foreign leather and shoes, it would apply to English
manufacture as well, which would not be allowed.⁵

(54)

Geo. Bridgman
and others.

Resolved, That the Petition of George Bridgman,
and others, Leather Manufacturers and Dealers
in Canada East, presented to the House on the
eleventh Instant, be referred to a Select Committee composed of Mr. Forbes,
Mr. De Witt, Mr. Leslie, Mr. McLean, and Mr. Simpson, to examine the

contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Tho's White & others. Ordered, That the Petition of Thomas White, and others, Boot and Shoe Manufacturers of the City of Montreal, presented to the House on the third Instant be referred to the said Committee.

Municipal Council Gore District. Resolved, That the Petition of the Municipal Council of the District of Gore, praying that they may be authorized to raise a sum of money on the credit of the District to make a certain piece of Plank Road to connect the Gore and Wellington Districts be referred to a Select Committee composed of Mr. Hopkins, Mr. Durand, Mr. Harmanus Smith, Mr. Thorburn, and Mr. Merritt, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

A petition was read by MR. NEILSON,⁶ from certain discharged soldiers and commuted pensioners, praying for a release from the settlement duties on their grants of land, or to be allowed scrip in lieu. Mr. Neilson moved that the said petition be referred to a select committee.⁷

MR. MORIN remarked, that there was no necessity to refer the petition, as the Government were willing to entertain such claims, provided applications of the kind had been made before the 1st of January last. Unless such were the case, the petitions would be of no avail, as the door was now closed to claimants. The hon. member also stated, that the charges against the revenue in scrip, amounted to £200,000, which together with the civil list, if taken into consideration, would make it a matter of no surprise, that the Government should be indisposed to recognize any further demands upon the public purse than they were obliged to do.⁸

(54)

John Sweeny and others. Resolved, That the Petition of John Sweeny, and others, commuted Pensioners and discharged Soldiers, be referred to a Special Committee of five Members, to examine the contents thereof, and to report with all convenient speed, with power to send for persons, papers, and records.
Ordered, That the Honourable Mr. Neilson, the Honourable Mr. Morin, Mr. Taschereau, Mr. J. S. McDonald, and Mr. Christie do compose the said Committee.

Hubbs, Campbell & Rorke. Ordered, That the Petition of B. Hubbs, A. Campbell, and W. Rorke, late Boundary Line Commissioners for the District of Prince Edward, be referred to the Special Committee to which were referred the Petition of George

Rykert and others, late Boundary Line Commissioners for the Niagara District, and the Petition of Wm. Ketchison, junior, and others, late Boundary Line Commissioners for the District of Victoria.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House by command of His Excellency, the Governor General,

Information
Beauharnois Canal.

Return to an Address of the Legislative Assembly to the Governor General, bearing date the 17th Instant, praying that His Excellency will be pleased to communicate to the House, copies or extracts of any correspondence that may have taken place between the Executive and the Stipendiary Magistrate recently appointed on the line of the Beauharnois Canal.

By Command,

D. Daly,
Secretary.

Secretary's Office,
Kingston, 18th Oct., 1843

(Copy.)
(Immediate.)

Secretary's Office,
Kingston, 6th Oct., 1843.

SIR,

I have the honour, by command of the Governor General, to inform you that His Excellency has been pleased to appoint you to the office of Stipendiary Magistrate on the line of the Beauharnois Canal, at the rate of remuneration established last year, £200 per annum. And I am to convey to you His instructions that you should lose no time in repairing to St. Timothé to relieve Mr. Laviolette and to take immediate charge of

(55)

the Police Force there maintained.

His Excellency relies confidently upon the most constant vigilance on your part, and the exercise of a sound discretion in your communications with all parties, to prevent the recurrence of disturbances in the section of Country placed under your charge. In case you should, however, at any time regard the presence of the Troops as necessary for the preservation of order, you will of course not hesitate to make the usual requisition on the Military Authorities.

As soon as possible after your arrival at St. Timothé, and from time to time afterwards as occasion may require, you will make report to this Department, upon any matters that may seem to you to require

attention.

I have, &c.

(Signed,)

D. Daly,
Secretary.

C. Wetherall, Esq., J. P. &c. &c.
Laprairie.

St. Timothé,
11th October, 1843.

SIR,

I have the honour to acknowledge the receipt of your letter of the 6th Instant, notifying to me that the Governor General had been pleased to appoint me Stipendiary Magistrate on the line of the Beauharnois Canal. In obedience to His Excellency's commands I immediately proceeded to this place for the purpose of relieving Mr. Laviolette and of taking charge of the Police force stationed here.

I learnt on my arrival that Mr. Laviolette left St. Timothé on the morning of the 3rd Instant, when the Troops were withdrawn and has not since returned.

I have notified my appointment to the Commander of the Forces, and have requested in the event of Troops being necessary that the Officer commanding at Laprairie, which is the nearest Military post, be instructed to comply with my requisition without further reference to Head Quarters; I beg, however, to state for the information of the Governor General, that I do not apprehend the presence of Troops will be necessary to ensure the maintenance of good order in this part of the country.

I have, &c.

(Signed,)

C. Wetherall,
Stipendiary Magistrate.

Honourable D. Daly,
&c. &c. &c.

Secretary's Office,
Kingston, 11th October, 1843.

SIR,

I am commanded by the Governor General to request that you will Report for His Excellency's information, at as early a day as possible,

upon the nature and extent of the depredations committed on the line of the Beauharnois Canal since the commencement of the works, and also as to the probability of their continuance, with such suggestions relative to the steps required for their prevention, as you may be prepared to offer.

I have, &c.

(Signed,)

D. Daly,
Secretary.

C. Wetherall, Esq., &c. &c.
St. Timothé de Beauharnois.

And also,

Returns from
Banking Insti-
tutions.

Return to an Address of the Legislative Assembly to the Governor General, bearing date the 16th Instant, praying that His Excellency will be pleased to cause to be laid before the House, a Return of the several Banking Institutions who have paid the tax imposed by the Act 4 & 5 Vic., cap. 29, distinguishing the amounts paid by each Bank separately.

By Command,

D. Daly,
Secretary.

Secretary's Office,
Kingston, 18th Oct., 1843.

Return of the several Banking Institutions who have paid the tax imposed by the Act 4 & 5 Vic., cap. 29, distinguishing the amounts paid by each Bank, required by the Address of the Honourable the Legislative Assembly of the 16th Instant:--

NAMES OF THE BANKS.	Duties Paid in 1841.	Duties Paid in 1842.	Duties Paid, up to 3d April, 1843.	Total Amount Currency.
	£ S. D.	£ S. D.	£ S. D.	£ S. D.
Montreal Bank....	0 0 0	2467 17 1	1226 18 1	3694 15 2
Gore Bank.....	0 0 0	936 19 8	261 19 4	1225 19 0
Commercial Bank..	238 1 0	1505 17 4	441 15 1	2185 12 5
Bank of Upper Canada.....	190 9 4	1510 15 6	525 1 11	2226 6 9

NAMES OF THE BANKS.	Duties Paid in 1841.	Duties Paid in 1842.	Duties Paid, up to 3d April, 1843.	Total Amount Currency.
	£ S. D.	£ S. D.	£ S. D.	£ S. D.
Bank of the People, Toronto.....	126 9 11	644 6 6*	0 0 0	770 16 5
Banque du Peuple, Montreal....	0 0 0	653 17 11	210 17 3	864 15 2
Farmer's Joint Stock Banking Co., Toronto.....	13 1 5	72 11 7	18 6 7	103 19 7
City Bank, Montreal....	0 0 0	1160 2 6	419 5 5	1579 8 11
Bank of British North America, Quebec.....	0 0 0	367 9 6	113 10 9	481 0 3
Do. Do. Montreal.	0 0 0	220 15 11	131 9 6	352 5 5
Do. Do. Kingston.	0 0 0	61 11 0	47 19 3	109 10 3
Do. Do. Toronto..	0 0 0	202 14 2	96 19 2	299 13 4
Quebec Bank....	0 0 0	445 4 5	147 17 10	593 2 3
Total currency. £	567 1 8	10277 3 1	3642 0 2	14487 4 11

Inspector General's Office,
Kingston, 17th October, 1843.

Jos. Cary,
Deputy Inspector General.

*The amount payable by the Bank of the People at Toronto, since the 1st August, 1842, is included in the payments made by the Bank of Montreal.

(56)
Illegitimate Children. Ordered, That Mr. Hale have leave to bring in a Bill to make provision for the support of illegitimate children.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday next.

Financial Statements. Ordered, That the Financial Statements laid before the House yesterday, in compliance with a Resolution of the Legislative Assembly of the 8th September, 1841, be printed for the use of the Members of this House.

On motion of Mr. Hamilton, seconded by Mr. Dunlop,

Gaspé fisheries. Ordered, That the Entries in the Journals of the fifth day of October, 1842, relating to the Salmon Fisheries in the Inferior District of Gaspé, be now read.
 The said Entries were read accordingly.

MR. HAMILTON, the member for Bonaventure, moved that ... a committee ((be)) appointed to prosecute the enquiries entered upon last Session.

((This)) was ... warmly opposed by MR. CHRISTIE.¹⁰

(56)
Resolved, That the said Entries be referred to a Special Committee of five Members, with an instruction to continue the Enquiry relative to the said Fisheries, and to report thereon with all convenient speed, by Bill or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. Hamilton, Mr. Prince, Mr. Christie, Mr. L. M. Viger, and Mr. Dunlop, do compose the said Committee.

Duties on Imports. The Order of the Day for the House in Committee on the re-committed Report of the Committee of the whole House, to consider the propriety of amending the Act 4 & 5 Victoria, cap. 14, which imposes duties on Goods, Wares, and Merchandise, imported into this Province, and imposing duties on certain Agricultural Products exempted from duty under the said Act, and other references, being read.

The House accordingly resolved itself into the said Committee.
 Mr. Taschereau took the Chair of the Committee,¹¹

MR. MERRITT said the object of the Resolutions, submitted for the consideration of the Committee, were (sic) to encrease the value of the agricultural productions of this Province. All will admit that this object can only be attained by creating a Home Market. It was unnecessary for

him to dwell on the advantages to be derived from this market. It was the only one of which any country could with certainty rely, and without which no country could prosper. He thought it was in vain for the farmer to look for high prices, or even to hope for a demand, for what he may have to sell, unless the population increases in the same proportion as his surplus produce. It was not in the sale of wheat, flour, beef, pork, butter or cheese, which comprised our principal exports, that the profits of the former consist; it was the furnishing vegetables, fruit, poultry, eggs, milk and various other articles, a demand for which can only exist in a Home Market. - It might be well to examine the policy pursued by other nations, to attain this object. In Britain, high protecting duties are imposed on all agricultural productions. In the United States, high duties are imposed, not only on agricultural products, but on all articles of commerce. Their policy was to encourage manufactures, encrease their population, and create a Home Market - to consume the productions of their own soil - in which they have been eminently successful; as the amount of capital invested, the rapid encrease of population, and the high prices of produce during the past season, fully prove. In Canada, to attain the same end, we may pursue the same policy, as far as protecting our Home Market against all importations of agricultural products for home consumption; but in place of encouraging manufactures, by imposing high duties, and creating an adverse interest to the Mother Country - we must encourage commerce by every possible means. Commerce requires material, ships and men, from the chopper who provides the timber, to the merchant who provides the capital and conducts the business. The labourer, seaman, mechanic, farmer - all classes and all trades would find employment; our population would be encreased, and a demand for every article the farmer produces, created. To ensure this commerce, and this market, they have a simple, plain, open policy to pursue - impose no restrictions on any article passing through our waters, - adhere to the system commenced by the Home Government, as pointed out in every despatch since 1841 - obtain the free admission of the products of Canada into the ports of Great Britain; receive her manufactures on the same terms, or in other words, establish free trade between the Mother Country and this Colony; also the admission of all articles from the United States into the markets of the Mother Country, on more favorable terms, when passing through our waters, than when passing through the Erie Canal and their own Atlantic ports. This trade was not to be secured without exertion on our part. We have active, economical and intelligent rivals to contend with who appreciate its full value. Every dollar they gain in tolls on the Erie Canal, would take so much from our revenue on the Welland and St. Lawrence Canals, and vice versa. Last year the transit of salt through the Welland Canal encreased to some 60,000 barrels; at the same time it was reduced by Buffalo to about 40,000. In order to counteract the natural advantages we possessed, the Legislature of the State of New York passed an Act authorizing a system of drawbacks, most ingeniously contrived, the effect of which was to give a bounty on the route by Buffalo, or in other words, to make the longer route by Buffalo cheaper than the shorter route by Oswego, and they have so far succeeded. Their tolls would this year be encreased and ours

diminished. This throughout, was a proof that if these legislators had the power, all restrictions on the products of Canada passing through the Erie Canal, would soon be removed, the Southern influence alone prevents them. - Happily for us we are not so shackled; we may avoid their error, and not by imposing duties or restrictions on articles passing ((through)) our waters, deprive ourselves of the natural advantages we soon must possess - by our Canals and connection with Britain, and thus give a direct premium to the commerce of our rivals. If we establish this policy and steadily adhere to it - in no portion of the Continent of America would the farmer be placed in so enviable a situation as in Canada. - He would, by the duties intended to be imposed by these Resolutions, be effectually protected in his Home Market from all competition from foreigners. He would also in a short time he (Mr. Merritt) trusted, realize the full benefit of the markets in the Mother Country. He could obtain every article he consumed at the lowest prices, and secure the highest prices for every article he grew - the result of which would be to rear up an intelligent and hardy race of men, employed in agricultural pursuits, in place of a helpless and needy manufacturing population. The object and effect of this measure only requires to be understood, to receive the unanimous assent of every real and true friend to the farmer; by opposing it he would destroy the very market he wished to create, and inflict an irreparable (sic) injury to the farmer by depriving him of the only means he can hope for, to dispose of his surplus produce.¹²

DR. DUNLOP said that he had heard of many things being bonded for consumption in Great Britain, but he confessed he had never before heard of bonding a cow, or a pig. He thought the system a bad one, and unfair to Her Majesty's Customs, to the proprietor, and to the people of this country. The hon. member for North Lincoln had told them yesterday that it was necessary to establish a system of bounties to preserve the trade of the Welland Canal, and prevent it from going down the Erie. He confessed he was not prepared to hear such doctrines broached at this period of the world's history. What would be the effect of these bounties? their effect would be to militate against our own interests by putting our hand into the public purse and paying those engaging in the trade. He remembered that at one time there were bounties given to the whale and herring fisheries; and what was the result? why the people said if the fisheries did not pay, the bounties would; therefore men were paid for doing what they would otherwise do, if the trade was profitable. He must say that the elucidation given of the principles of political economy by the hon. member for North Lincoln, seemed extremely involved and obscure, and certainly were unintelligible to him. There were two reasons why he could not see to the bottom, the one was because his views were deep, and in the second place because they were muddy. He did not know which to lay to the charge of the hon. member. They had two objects in view in the measure before the House, the one was to protect the agricultural interests, and the other was not to injure the merchant; and the thing to be discovered was how this can be done. We are told that we must have bonded

Warehouses for pigs and cows, now how are we to make out from a herd of swine, or a drove of cattle, how much pork or beef is really in bond. Marching a cow over a hay weight will not give the quantity of beef in bond. The rule adopted in England of deducting one third from the weight of the animal is fallacious; as is also the attempts made to reckon it from measurement. One class of bullocks will give a greater quantity of beef than another. He had a hundred times seen animals from which little tallow would be expected, producing a great deal, and vice versa. Now, under these circumstances, how would the matter be adjusted? He saw in the proposed tariff that there was to be a duty of 16 shillings placed upon an ox, but when he considered that a well-fed ox would weigh 18 cwt., he thought this would be a petty protection. He would have a good one or none. In the name of the agricultural interests he disclaimed it; and asked for as much as would render it worth having. The safest and best way would be to put an adequate tax upon animals coming, and when they saw a quantity of beef adequate to the demand then they might give a drawback. But this course would not be pursued. He did not expect it. Sic volo, sic subeo, sic est. This is the policy of the administration and its majority.¹³

M. HINCKS diffère d'opinion sur ce dernier point et préfère que la chose soit discutée en comité général afin que tout le pays en ait connaissance; que si cependant on avait un meilleur plan à offrir, il était prêt à l'adopter.¹⁴

M. WILLIAMS propose que toutes les pétitions qui ont été reçues sur ce sujet soient lues.¹⁵

M. THORBURN approuve ce plan, quand bien même cette lecture occuperait la chambre pendant une semaine!¹⁶

M. CAMERON dit ... que le passage des produits américains par nos canaux et nos rivières pour être ensuite transportés en pays étrangers, ne pouvaient nullement nuire à notre agriculture, au contraire, ce serait une source de revenus pour nous.¹⁷ The act was to be only a temporary one, - to go into effect between now and the 1st of January. The hon. member's views were in favour of the bonding system, being of opinion that it might be carried out here with as much effect as in England, as every vigilance would be adopted to prevent fraud.¹⁸

MR. WAKEFIELD said that he wished to say a few words upon the question before the House which had occupied so much of their attention. He thought it right to state that he would not be duly representing his constituents if he did not vote in favour of the general measures of the Government. At the time of his election he had engaged himself to support any reasonable measure of protection that might be brought forward by the Government. This pledge he had given so publicly and so seriously, that if his own opinion were now different from theirs, he would feel it his duty to resign his seat rather than oppose the

measure. He had the satisfaction, however, of feeling that in voting for this measure he fully agreed with the views of his constituents. He had resided during the last year in Canada in a place bordering upon the State of New York, and he had paid particular attention to the present state of the law as regards its operation upon the Canadian farmer, and he would mention one circumstance which had passed under his own observation, which would tend to illustrate it as well as anything he could say. At the Huntingdon fair there were cattle enough brought to market to supply a very large demand- they remained there for two days and not one of them was sold although they were offered at moderate prices - at prices that must have been unremunerative to the farmer. On the second day, while the owners were strolling about in a state of dejection, a drove of American cattle passed through the fair for the Montreal market. He inquired how this could happen, from farmers and others not only in Canada, but in the adjoining state of New York, and their answers satisfied him, that the American farmers bordering upon Canada were placed under the necessity of sending their cattle to market, to be sold at a loss in order to obtain cash. The recent legislation of the United States respecting currency had been such as to derange their currency and involve them in monetary difficulties unexampled in any part of the world. One effect of this blundering legislation, was a scarcity of cash, and it is well known that there are certain payments such as School taxes, &c., which the citizens of the state of New York are obliged to make in cash; and this compels them to obtain it no matter at what sacrifice. His belief was that the cattle he saw driven through the fair of Huntingdon, and sent to Montreal must have been sold at a sacrifice to the owners. Seeing this, and being an eye-witness of the sufferings of the farmers, he was led to think that they were entitled to legislative relief. He had reflected a good deal upon the subject and was led to believe that a case had arisen justifying him in thinking that the doctrine of free trade, which he held upon general principles, was not at this moment applicable to the trade between this Country and the United States, and could not be carried out without entailing evil upon the farmer. It was apparent to him that the blundering legislation of the United States was acting injuriously upon this country, that the Canadian farmer was suffering from the blunders committed at Washington. This country under ordinary circumstances would export agricultural products to the United States. In the natural state of things the poorer country exports agricultural products to the richer. The ordinary state of things was reversed by the legislative errors of the United States with respect to money. He thought that it was the duty of the legislature of Canada to guard the people of this country from the evil influence of bad American legislation - that this was a case exceptional from the general rule of free trade, and demanding temporary exceptional legislation; on the part of Canada he had therefore given his pledge to vote for agricultural protection when such a measure should be brought forward, and he would now fulfil it by supporting the measure before the House.

He now came to the other point which had been so much debated. This relates to the trade not between Canada and the United States, but to the trade between the United States and England through Canada. This was an important distinction which the House should draw. On this subject he took a different view from that which had been expressed by any of the advocates of protection. Whilst it was the duty of the Legislature of Canada to protect the people in the Canadian market against the evil effects of the bad Legislation of the United States, it would be folly in the legislature of Canada, just after the British legislature had exhibited a desire to legislate in favour of Canada, to pursue a course directly contrary to the policy of the Mother Country. Would it not be madness to say in effect, you - the British Legislature - have gone out of your ordinary line of action to confer a benefit upon us, you have proclaimed this Province an integral portion of the British Empire, and have been desirous of placing it upon an equal footing with your own Country, you have legislated for the purpose of fostering our transit trade, and bringing the products of the West through our waters, you have been legislating in favour of the St. Lawrence for the purpose of making the great works undertaken upon that line of communication available for the promotion of the commercial interests of the country, but now we will legislate in contrary directions. We do not thank you for having passed a law to bring the products of the West through the St. Lawrence, and we will pass a law the tendency of which will be to drive them down the Erie Canal, and deprive Canada of one of the most profitable branches of her trade. He thought that this would be rendering an ungrateful return for the friendly spirit of legislation exhibited during the last year towards this country, by the Imperial Government; and he would say more than this, he would venture to ask hon. gentlemen who wish that the Legislature of Canada should interfere in regulating the trade between the United States and England, not between the United States and Canada, but he repeated between the United States and England, whether Canada would gain anything by it. He was sure she would not. What would be the effect of the course suggested by hon. gentlemen? The effect would be not to procure for themselves the trade, but to send it in another direction. In doing this the farmer would act like the dog in the manger, they would gain nothing themselves but deprive the commerce of Canada of the transit trade. Upon these two grounds he would support the whole measure before the House. He would support the measure of protection as respects trade between the United States and Canada, and he would support the measure of free trade as respects trade between the United States and England. He approved of that measure which he thought would be beneficial to the Canadian farmer, and he also approved of the other measure, the object of which was to take care that the trade between the United States and England through Canada, of which the commerce of Canada would have all the benefit, should not be destroyed by our endeavour to benefit the Canadian farmer. On these two grounds he should vote for the whole measure of the Government, which consisted of two parts, first, protection to Canada against the evils which he had described as arising from

American legislation, and second, a precaution for giving full effect to the recent legislation by the Imperial Parliament in favour of Canada.¹⁹

CAPT. STEELE thought that so far from the rejection of the clause proving anything like ingratitude on our part, the permission to land American beef and pork here in bond, and transport it to England, without payment of duty, would be so considered. In fact the adoption of such a clause would nullify the whole measure of agricultural protection, - it would defeat the professed object of the title. Let hon. gentlemen bring the matter home. The present is the slaughtering season, and supposing, for instance, the Toronto merchant received an order to purchase a supply of beef and pork, for the purpose of exportation, the facility for supplying him with those articles direct from Rochester and Oswego, and the almost absolute impossibility from the state of the roads of the Canadian farmer finding his way to market with his stock would at once establish a market for the American to the exclusion of the Canadian producer.²⁰ The foreigner would monopolise the market. He had heard that a deputation had arrived from Jefferson county, in the State of New York, against the measure. (Cries of no, no.)²¹ Then there is another objection. The farmer living at Holland Landing, for instance, a distance of 31 miles from the market could not bring in his stock in a less time than two days, and the necessary expense attending that operation, and the frequent casualties with which he meets, draws heavily upon the amount which he may receive, in the market, while, the American with an easy and quick access, not subject in the same degree to those casualties enters the market under much better circumstances. Unless a remedy could be applied to this, all their legislation would be but a mere waste of time. Great Britain is desirous of admitting our produce on the most favorable terms and he hoped that they would not allow the Yankees to outwit them, and turn the benevolent design of the Imperial Government towards us to their own advantage.²²

MR. MORRIS said that he might not be so well read in political economy as the hon. member for Simcoe, and other hon. members, opponents of the Resolutions before the Committee; but he had not yet heard a satisfactory reason assigned why he should not give it his support; assertion after assertion had been made of the impolicy of the measures and the injustice it would inflict on the agriculturalists of Canada, but it amounted to little more than declamations. Not an hon. member had, to his mind, made it appear that the introduction of cattle and swine into the Province, to be slaughtered for exportation, would affect the price of Canadian pork and beef, nor could they do so. The hon. member for Prince Edward, for whose opinions he entertained a high regard, and who in fact was the personification of honesty in every statement he made in that House, had asserted that pork so introduced would come into direct contact, in our own market, with the pork of the country; and in support of that averment he states that the importer

would not be required to export the same article which he imported, but only a like quantity. Now the hon. gentleman does not surely think that the Government would tolerate such a fraud. No, sir, the bonded pork will be kept in the custody of our revenue officers, until exported, and not a barrel of it, without gross criminality on the part of those officers, could be offered for home consumption. The price of Canadian pork and beef will depend entirely on the internal demand and supply; and a foreign article cannot come into competition with it; on the other hand, the price of bonded pork and beef, as well as Canadian for exportation, will be regulated solely by the price in the market, to which it may be sent - this being the case, he (Mr. M.) could not imagine why hon. members feared the operation of the resolution of the Inspector General. His interests were one and all connected with the agriculturists of the country: in that House he represented a large agricultural population: and he felt satisfied that they would approve of the vote he intended to give on that occasion. He was aware of the intelligence of his constituents, and knew they would not wish him to injure the commerce of the country, by seeking for them an imaginary protection, such as is denied by the opponents of the measure, under the consideration of the committee.²³

MR. CHILD was glad that the principle of agricultural protection had been at all admitted. He thought that the articles of beef and pork should be admitted only upon the same terms that wheat was to be admitted; that was the proper way; the boon which had been granted was for the especial benefit of this country, and his idea of it was, that they should impose a duty upon all American produce coming in, and not frighen (sic) the people of England with our bordering system, under cover of which we would open a direct trade between the United States and England on the same footing as that upon which we are admitted.²⁴

MR. SIMPSON objected to the system of binding as vicious in itself, and he was satisfied it would not afford that protection which some hon. gentlemen were desirous of procuring.²⁵ ((He)) entered at some length into statistics, showing that a very large amount of beef and pork, passing through the St. Lawrence, had been shipped to Great Britain, last year. Though the representative of a great agricultural country, he was opposed to agricultural protection.²⁶

MR. HOLMES said that some hon. gentlemen seemed to lose sight altogether of the fact that there were other interests requiring the attention of Parliament - the commercial interests of the country, and therefore wished the hon. Inspector General to withdraw the clause under discussion; he hoped the hon. gentleman would not. Agriculturists seemed to lose sight of the importance of attracting the American trade through our waters; they did not seem to recollect (sic) that this was necessary not only to advance the prosperity of the country, but to relieve them from their present position, to pay for those great works which have been undertaken for the purpose of facilitating the communications of the country. If it had been the intention of the Imperial

Government to exclude fresh provisions, such an intention would have been expressed in the Act regulating the intercourse between the two countries; and he thought they might safely leave the Imperial Government to look after its own interests in this particular. Much ridicule had been cast upon this measure, especially by the hon. gentleman from Huron, by playing upon the proposed erection of warehouses for swine; but, he would ask hon. gentlemen if it is not probable that the labor employed in slaughtering, packing, making barrels &c. would be of far more advantage to the country than the imposition of a duty of 3 or 4 per cent. That frauds would be practised to any extent, are denied; the regulation(sic) for their prevention were taken from those of England, in which sufficient experience had proved their usefulness; and as to taking out of bond and slaughtering for domestic consumption, that could not be done without that very duty being paid which hon. gentlemen desire to see improved.²⁷

MR. AYLWIN was surprised at the heat which had been exhibited in the debate; hon. gentlemen ought to approach the subject more calmly, especially when it is considered that the whole measure is for their benefit. A cry for agricultural protection had been raised for a number of years, and just at the moment it is about to be granted hon. gentlemen seem desirous to push away the boon from them. Taking the question in an abstract sense, he was opposed to all retective (sic) duties, so called, but there were peculiar circumstances in this country which put an end to all theories and all speculations on the subject, and which entitled the agriculturist to obtain protection in the home market; our position was a singular one; the rules which apply to other countries meet with no application here. Placed between Great Britain and the United States, the currency and exchange of the country is necessarily regulated by the latter; and this colony had, in consequence of that dependence, become, as had been properly stated by his hon. friend the member for Beauharnois, the victim of the peculiar policy adopted in the neighboring Union; in fact our farmers have had to pay in part for their blunders in legislation. He believed the majority of the members of the House were agreed to accord suitable protection to the Canadian farmer, under these circumstances; that all were willing to make a sacrifice for such an object; but it was not fair that they should ask more than was absolutely necessary. The Americans have already exported salted provisions, cheese, butter &c., and sold them in the home market at remunerating prices. They trade under a tax of 6s. while this country under 2s. export none at all. He would ask was it wise on the part of agriculturists to offer opposition to the establishment of a branch of business which could be undertaken by the people of this country as well as by others, and with superior advantages? There was an objection stated on the ground of the difficulty of putting the machinery in operation, but this he believed would be easily overcome by the necessity of the case; and as to smuggling, why every farmer in the country would be interested in preventing the clandestine introduction

of foreign beef or pork into the country, and thus an effectual barrier would be raised to the carrying on of any extensive operations of that description. He really hoped hon. gentlemen would withdraw their objection to the measure, as in opposing it he believed they were opposing their own interests.²⁸

COL. PRINCE wished he could agree with the hon. gentleman who had just sat down that the measure, if carried, would prove beneficial to the interests of the country. But the more he heard of it, the more was he satisfied that the bonding system was open to fraud, and that the result of such a plan being adopted would be, the defeat of the Canadian farmer in his own market. He did not see why American cattle should be imported into this Province and sent to England free of duty, more than wheat. The Imperial Parliament had not thought fit to admit wheat on such terms: indeed, with respect to the wheat bill, which was to be so great a boon, I think it a very little boon. He thought that if the Parliament had had the great interest of this country so fully at heart as had been contended, it would have adopted something of a protective measure; that was no protection at all. An hon. gentleman had adverted to the benefit to be derived from curing, packing, &c.: would not the same advantage accrue to us if the Canadian farmer were placed in a position to become an exporter? The American is admitted to bring his fresh meat in free, and undersell the Canadian farmer, which he is well able to do: and why so able? The very formation of the country owned by him ... ((allowed)) a facility to him which we do not possess: in the country not far from Detroit the American grazier can fatten ten head of cattle on the prairie for one which the Canadian farmer can raise in the usual way²⁹, while we were obliged to fatten ours upon land which cost in the first instance, twenty dollars per acre³⁰. And so long as this is the case, even if you impose a duty, he will by fraud or otherwise, introduce his cattle and undersell us in our market. There was one reason why the agriculturist should be protected; those engaged in agriculture had that alone to depend upon; and he must say they had been so far ill-used. It was not desirable, nor did he think that the agricultural interests should clash with the commercial, but he must say that since he had the honor of sitting in that house, he had seen no particular desire manifested on the part of commercial men for the protection of the agricultural interests. The object of the resolution before them was not to advance those interests, it was intended to benefit the shipping trade. (Hear.) He could not, therefore, support the measure before the house.³¹

MR. VIGER would give every protection to agriculture, but leave commerce unshackled.³²

MR. DURAND made a few remarks, concurring in the observations of the last speaker.³³

MR. HINCKS spoke at some length in favour of the resolution. Well

informed farmers, he said, were in favour of it. After expending three millions, we now wanted to destroy the carrying trade. The farmers, in the end would in consequence have to pay the interest. (No, no.) The reciprocity system he disapproved of, but would impose protection duties, even though the Americans should take their duties off.³⁴

MR. MOFFATT said that he had not the advantage of being present at the commencement of the debate, and did not know the course it had taken. Last night the imposition of duties was advocated as a measure of retaliation, this ground he thought was not sustainable. He had heard other grounds taken but he did not think they were valid. He had reflected upon the subject, and endeavoured to satisfy himself whether there were any grounds to justify the imposition of such duties as these resolutions propose. He had inquired whether the soil was not as good as it was on the other side of the lines, and whether with proper cultivation it would not yield as much? and he had come to a conclusion in our favour; first, because the price of land is lower here than in the States, secondly, because the climate is as good, and if he be told that the climate in Ohio is better than here, his reply is that the distance constitutes an advantage of which the inhabitants of this Province cannot be deprived. In the next place with respect to labour it is cheaper here than in the United States. On all these points the advantages are in favour of Canada; and if we cannot produce as cheap as the American farmer then we must be content to suffer. Whatever duties we may impose can have no effect in enhancing the value of the article at the place of consumption. We may tax ourselves but we cannot affect the price of the article in the Home market. He had heard the imposition of taxes justified by the hon. member from Beauharnois, upon the accidental circumstance of seeing a drove of American cattle passing through the fair of Huntingdon, to the Montreal market. If it be the case that the derangement in the currency, commercial embarrassments, and scarcity of cash, compels them to find a market in Canada ... ((it)) is a circumstance unfortunate for them, and one of which we might have taken the advantage, but it does not go to justify the Canadian Legislature in imposing duties for the purpose of keeping them out. The hon. member has said that in the ordinary course the poorer country exports to the richer and that consequently we should be the exporters, if the trade took its legitimate channel. He had heard it said in the House that free trade principles were on the decline, and that even in England there was a reaction in favour of protection. This was not the fact. The late Mr. Huskisson had been the first to bring them prominently forward, and since that time the House made so much progress that almost all the leading statesmen of the day have embraced them, and they are now on the fair way of being carried out. The late administration in England were the advocates of free trade, and the present go far beyond them, and were it not for the difficulty of carrying them practically out without interfering with vested interests, all protective duties would soon be abolished.³⁵

MR. JONES and MR. JOHNSTON followed.³⁶

Cries of "Question, question!"³⁷

The division on the resolution allowing live stock to be imported free of duty, to be bonded, slaughtered, and cured, for exportation to England, was - Yeas 35; Nays 21.³⁸

M. HINCKS propose deux amendements à des résolutions passées précédemment, c'est-à-dire d'y ajouter la farine de blé, et d'augmenter les droits sur les boeufs de 4 ans et au-dessous, a 20s. au lieu de 16s.³⁹

Cet amendement passe.⁴⁰

(56)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Taschereau reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Registry Laws.

The Order of the day for the second reading of the Bill to alter and amend the Registry Laws of that part of this Province, which was formerly Upper Canada, being read.

Ordered, That the said Order of the day be postponed until Tuesday next.

Montreal Bank.

A Bill to amend the Act incorporating the Bank of Montreal, by providing for the extension of the time limited for the paying up of the Stock of the said Bank, was, according to order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Dunn took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Dunn reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Ordered, That the remaining Orders of the day be postponed until to-morrow,

*Then on motion of Mr. Hamilton, seconded by Mr. Dunlop,
The House adjourned.*

APPENDIX, 18 OCTOBER 1843.

((QUESTION AND ANSWER RE: REPEAL OF DOUBLE SECURITY CLAUSE
IN BANK CHARTERS.))⁴¹

MR. MERRITT enquired of their intention to repeal the double security clause in the Bank charters.⁴²

MR. BALDWIN, on the part of the Government, replied in the affirmative.⁴³

((WITHDRAWN MOTION RE: REPEAL OF ACT REGULATING DISTRICT
COURTS.))⁴⁴

MR. MORRIS brought forward a motion for the repeal of the act regulating the Division Courts.⁴⁵

Hon. MR. BALDWIN was aware of the difficulties that might exist in the practical operation of any system that might be adopted. He was desirous of remedying them as far as possible, but he did not think it consistent with that respect due to Legislative enactments, to do away with one system and propose another, before it was fairly tried. He did not find that there was any very general condemnation of the Division Courts. The principal complaints were, first, that they were not held often enough, and secondly, that they were spread over too much of the country, so that the expenses of attending them were increased. He was desirous of remedying all existing difficulties, but he could not concur in the motion of the hon. member, first, because the Government have a measure to introduce upon the subject, and secondly, because the present law had not yet had time to be fairly tested. If they must go back to the old system he should prefer giving jurisdiction to all Magistrates, but at present it was not proposed to give up the present system until it be fairly tried, there were no complaints from litigants that would justify this course.⁴⁶

DR. DUNLOP thought it better than the old system.⁴⁷

MR. MERRITT thought it had had a fair trial and proved a failure.⁴⁸

MR. CAMERON spoke in favour of the law.⁴⁹

So did MR. DURAND.⁵⁰

MR. THORBURN objected to it at considerable length.⁵¹

MR. HARRISON supported the principle of the act, admitted that there were faults in its details, and thought these could be remedied.⁵²

The motion was subsequently withdrawn by MR. MORRIS.⁵³

FOOTNOTES - 18 OCTOBER 1843.

1. The following was reported in: KINGSTON CHRONICLE, 21 October 1843, which was copied by the EXAMINER, 26 October 1843; and BRITISH COLONIST, 24 October 1843, in an account identical to that of the MONTREAL GAZETTE, 23 October 1843.
2. KINGSTON CHRONICLE, 21 October 1843.
3. The following was reported in: BRITISH COLONIST, 24 October 1843, and MONTREAL GAZETTE, 23 October 1843, in identical accounts; KINGSTON CHRONICLE, 21 October 1843, which was copied by the EXAMINER, 26 October 1843, and LA MINERVE, 23 October 1843.
4. BRITISH COLONIST, 24 October 1843.
5. IBID.
6. The following was reported in: KINGSTON CHRONICLE, 21 October 1843, whose account was copied by the EXAMINER, 26 October 1843; and BRITISH COLONIST, 24 October 1843, in an account identical to that of the MONTREAL GAZETTE, 23 October 1843.
7. BRITISH COLONIST, 24 October 1843.
8. IBID.
9. KINGSTON CHRONICLE, 21 October 1843.
10. IBID.
11. The debate on this matter was reported in: BRITISH COLONIST, 24 October 1843, and MONTREAL GAZETTE, 23 October 1843, in identical accounts; KINGSTON CHRONICLE, 21 October 1843; and LA MINERVE, 23 October 1843.
12. KINGSTON CHRONICLE, 21 October 1843.
13. IBID.
14. LA MINERVE, 23 October 1843.
15. IBID.
16. IBID.
17. IBID.
18. BRITISH COLONIST, 24 October 1843.
19. KINGSTON CHRONICLE, 21 October 1843.
20. IBID.
21. BRITISH COLONIST, 24 October 1843.
22. KINGSTON CHRONICLE, 21 October 1843.
23. IBID.
24. IBID.
25. IBID.
26. BRITISH COLONIST, 24 October 1843.
27. KINGSTON CHRONICLE, 21 October 1843.
28. IBID.
29. IBID.
30. BRITISH COLONIST, 24 October 1843.
31. KINGSTON CHRONICLE, 21 October 1843.
32. BRITISH COLONIST, 24 October 1843.
33. KINGSTON CHRONICLE, 21 October 1843.
34. BRITISH COLONIST, 24 October 1843.

35. KINGSTON CHRONICLE, 21 October 1843.
36. BRITISH COLONIST, 24 October 1843.
37. IBID.
38. ST. CATHARINES JOURNAL, 2 November 1843.
39. LA MINERVE, 23 October 1843.
40. IBID.
41. The following was reported in: KINGSTON CHRONICLE, 21 October 1843; and in the BRITISH COLONIST, 23 October 1843, in an account identical to that of the MONTREAL GAZETTE, 23 October 1843.
42. BRITISH COLONIST, 24 October 1843.
43. IBID.
44. The following was reported in: KINGSTON CHRONICLE, 21 October 1843, whose account was copied by the EXAMINER, 26 October 1843.
45. KINGSTON CHRONICLE, 21 October 1843.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.

THURSDAY, 19 OCTOBER 1843.

(56)

Cha's DeLéry,
Esq., Master in
Chancery.

MR. SPEAKER, informed the House that a Commission had issued under the Great Seal of the Province, appointing Charles De Léry, Esq., the younger, a Master in Chancery.

Champlain and
St. Lawrence
Rail Road.

Mr. Speaker laid before the House a Statement of the affairs of the "Champlain and St. Lawrence Rail Road" as required by the 49th Section of the Act 2nd Wm. 4, cap. 58, of the late Province of

Lower Canada.

(For the said Statement see Appendix W.)

Also,

Foundlings,
&c. Quebec.

The Report of the Commissioners for the relief of Insane and Invalids, and Foundlings, in the District of Quebec, to 30th September, 1842.

(For the said Report see Appendix X.)

And also,

Bank of Montreal.

General Statements of the affairs of the Bank of Montreal; of the City Bank of Montreal; of the Quebec Bank, and of the Bank of British North America, received in conformity to order of this House of the 6th instant.
(For the said General Statements see Appendix Y.)

12 Petitions brought
up.

The following Petitions were severally brought up and laid on the table.

By Mr. Merritt--The Petition of Henry R. Goodman, M. D. and others, Inhabitants of the Township of Grimsby.

By Mr. Foster--The Petition of the Reverend Andrew Balfour, of Waterloo.

By Mr. Christie--The Petition of Joseph Forsyth and others, commuted Pensioners and discharged Soldiers.

By Mr. Chabot--The Petition of Messieurs Atkinson, Usborne & Co., and others of the City and Banlieue of Quebec.

By Mr. Prince--The Petition of the Municipal Council of the Western District (relating to the School Act); the Petition of the Municipal Council of the Western District, (relating to Wolf Scalps); the Petition of the Municipal Council of the Western District, (relating to a Tax on Dogs); and the Petition of Thomas Woodbridge and others, Inhabitants of the Western District.

By Mr. Forbes--The Petition of Edwin Pridham and others, Inhabitants of the Township of Grenville, on the Ottawa River.

By the Honourable Mr. Hincks--The Petition of Charles F. Grece, and others, Inhabitants of the District of Terrebonne, Canada East.

By the Honourable Mr. Moffatt--The Petition of the Montreal Board of Trade; praying that the prayer of the Petition of E. M. Leprohon and others, Inspectors of Pot and Pearl Ashes, presented to the House this Session, may not be granted.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Cartwright, Ordered, That the said Petition be now read, and that the Rule of this House of the 28th June, 1841, be dispensed with, as to the present Petition.

The said Petition was read accordingly.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read,

Of Williams Rees, of the City of Toronto, Medical Superintendent of the Provincial Temporary Lunatic Asylum; praying to be allowed the

(57)

Salary provided for by the Legislature of Upper Canada in 1839.

Of James B. Clendennan, and others, Inhabitants of Pelham and Louth, in the District of Niagara; praying for the passing of an Act to naturalize the Reverend Abijah Blanchard.

Of the Reverend J. F. A. S. Fayette, A. M., of Brantford; praying to be naturalized.

Of the Reverend Abijah Blanchard, D. D., of Pelham, in the District of Niagara; praying to be naturalized.

Of John Harris, and others, Inhabitants of Grimsby, and other Townships in the District of Niagara; praying for a division of the said District into two Districts.

Of John Jarron, and others, of the Townships of Moulton, Canborough, and Sherbrooke; praying that proprietors of lands in the said townships, who are in arrears for taxes, be compelled to pay the same.

Of the Minister, Elder, Trustees, and Managers, of the St. Andrew's Church in Hamilton; praying for the passing of an Act to regulate the management of the Temporalities of the Presbyterian Church in Canada.

Petitions Referred: Ordered, That the Petition of the Montreal Board of Trade, be referred to the Special Committee to which was referred the petition of E. M. Leprohon and others, Inspector and Assistant Inspectors of Pot and Pearl Ashes, of the City of Montreal.

Mercantile Library Association of Montreal Kingston Marine Railway Company. Barbier & wife. Minister & St. Paul's Church Montreal. Eden Colville.

Ordered, That the Petition of the Mercantile Library Association of Montreal, presented to the House on the eleventh Instant; the Petition of the Kingston Marine Railway Company, presented to the House on the twelfth Instant; the Petition of J. A. P. Barbier, and Mrs. Euphaisie Barbier, his wife, presented to the House on the twelfth Instant; the Petition of the Minister, Elders, and Trustees of St. Paul's Church, Montreal,

presented to the House on the thirteenth Instant; and the Petition of Eden Colville, of Beauharnois, Agent for the North American Colonial Association of Ireland, be referred to the Standing Committee on Private Bills.

John Jarron & others.

Resolved, That the Petition of John Jarron, and others, of the Townships of Moulton, Cambo-rough, and Sherbrooke, be referred to a

Special Committee of five Members to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Thompson, Mr. Merritt, Mr. Roblin, Mr. Thorburn, and Mr. Parke, do compose the said Committee.

Report on the Petition of the Lord Bishop of Montreal.

Mr. Hale, from the Special Committee, to which was referred the Petition of the Lord Bishop of Montreal, and othes, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee having taken the said Petition, as well as the Prospectus of the said College, into their consideration, it appears that the same is in immediate connexion with the Church of England and Ireland, but without excluding the youth of any other Religious profession, or debarring them from attending their own Places of Worship.

That it is founded at present by private contributions, aided by grants from different Societies in England; and that a School connected with the said Institution is in existence, attended by a Teacher.

Your Committee therefore beg leave to recommend that an Act be passed by Your Honourable House, to Incorporate the Lord Bishop of Montreal, and the Trustees and College Council of the said Institution, by the name of the Diocesan College of Canada East, in compliance with the prayer of the Petitioners, with such powers and privileges as to Your Honourable House may seem meet."

Ordered, That the said Report be referred to a Committee of the whole House, to-morrow.

On motion of the Honourable Mr. Morin, seconded by the Honourable Mr. Attorney General Baldwin,

Common Schools.

Resolved, That this House will, on Monday next, resolve itself into a Committee of the whole House, to consider the expediency of repealing the Act of the Parliament of this Province passed in the Fourth and Fifth years of Her Majesty's Reign, intituled "An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province," and of substituting other provisions in lieu thereof.

Private Bills.

Ordered, That Mr. Hale and Mr. Barthe, be added to the Standing Committee on Private Bills.

On motion of the Honourable Mr. Moffatt, seconded by Mr. Henry Smith,

Resolved, That the Rule of this House, which determines the period for the reception of Private Bills, be extended until the thirty-first Instant.

Import Duties.

Mr. Taschereau, from the Committee of the whole House, on the recommitted Report of the Committee of the whole House, to consider the propriety of amending the Act 4 & 5 Victoria, cap. 14, which imposes duties on Goods, Wares, and Merchandize, imported into this Province, and imposing duties on certain Agricultural Products, exempted from duty under the said Act, and other references, reported, according to order the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth:--

1. Resolved, As the opinion of this Committee, That, with a view to remove the just ground of complaint on the part of the Agricultural population, of inequality in the present system of raising a Revenue by Duties of Customs, and also for the purpose of increasing the Public Revenue, it is expedient to impose duties on Agricultural Produce and Live Stock imported into this Province.
2. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of one pound, ten shillings, sterling, on each Horse, Mare, or Gelding, imported into this Province.
3. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of fifteen shillings, sterling, on each Colt or Foal, under two years old, imported into this Province.
4. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of five shillings, sterling, on each Mule or Ass imported into this Province.
5. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of fifteen shillings, sterling, on each Bull

(58)

imported into this Province.

6. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of twenty shillings, sterling, on every Ox, four years old, and upwards, imported into this Province.*
7. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of ten shillings, sterling, on each Steer, Heifer, Cow, and on each Head of Cattle under four years old, imported into this Province.*
8. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of five shillings, sterling, on each Calf, under one year old, imported into this Province.*
9. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of two shillings, sterling on each sheep imported into this Province.*
10. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of one shilling, sterling, on each Lamb imported into this Province.*
11. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of five shillings, sterling, on each Hog and Swine imported into this Province.*
12. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of one shilling, sterling on each Goat or Kid imported into this Province.*
13. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of ten per centum, ad valorem, on Poultry or Game imported into this Province.*
14. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of three shillings, sterling, on each quarter of Barley imported into this Province.*
15. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of three shillings, sterling, on each quarter of Rye, Peas, Beans, Maize or Indian Corn, Buck-wheat, Bear or Bigg, imported into this Province.*
16. *Resolved, As the opinion of this Committee, That it is expedient to impose a duty of two shillings, sterling, on each quarter of Oats imported into this Province.*

17. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of two shillings, sterling, on each one hundred and ninety-six pounds of Barley Meal, Wheat Meal, not being Wheat Flour, Oat Meal, Buckwheat Meal, Rye Meal, or Indian Corn Meal, imported into this Province.
18. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of three pence, sterling, upon each hundred weight of Bran or Shorts, imported into this Province.
19. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of six shillings, sterling, on each ton of Hay imported into this Province.
20. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of three shillings, sterling, on each ton of Straw imported into this Province.
21. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of three pence, sterling, on each pound of Hops imported into this Province.
22. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of three pence, sterling, on each bushel of Potatoes imported into this Province.
23. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of fifteen per centum ad valorem on all unenumerated Vegetables imported into this Province.
24. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of five shillings, sterling, on each hundred weight of cured Bacon or Hams imported into this Province.
25. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of four shillings, sterling, on each hundred weight of Fresh Meat, of any kind, imported into this Province.
26. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of two shillings, sterling, on each hundred weight of Meat of any kind, salted or cured, imported into this Province.
27. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of two shillings, sterling, on each hundred weight of Butter imported into this Province.
28. Resolved, As the opinion of this Committee, That it is expedient

to impose a duty of two shillings, and six pence, sterling, on each hundred weight of Cheese imported into this Province.

29. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of six shillings, sterling, on each hundred weight of Lard imported into this Province.
30. Resolved, As the opinion of this Committee, That it is expedient to impose a duty of fourteen per centum ad valorem on Eggs imported into this Province.
31. Resolved, As the opinion of this Committee, That it is expedient to exempt from the said duties all Agricultural Produce and Live Stock imported by Sea for the use of the Fisheries of this Province.
32. Resolved, As the opinion of this Committee, That it is expedient that the Governor in Council be empowered to remit all duties levied on Cattle or other Live Stock imported for the purpose of fulfilling any Contract with Her Majesty's Commissariat, entered into by the Importer, before the first day of the present month of October, on their receiving satisfactory proof that the said Cattle, and other Live Stock, have been delivered, in fulfillment of such Contract, to some person authorized to receive the same, on behalf of Her Majesty's Commissariat.
33. Resolved, As the opinion of this Committee, That the said duties be levied and collected under the same provisions as the duty
(59)
imposed by the Act of the last Session on Foreign Corns.
34. Resolved, As the opinion of this Committee, That it is expedient to provide that Neat Cattle and Swine imported into this Province, may, under proper regulations, be slaughtered, packed, and cured, in Bond, without the payment of the said duties, and for that purpose to empower the Governor in Council to appoint proper Warehousing Ports, and make such Regulations as may be necessary for carrying the said Provision into effect.

The Honourable Mr. Hincks moved, seconded by Mr. Christie, That the question of concurrence be now separately put upon the said Resolutions.¹

MR. NEILSON rose to record his objection to the measure, pronouncing it a proof of the greediness of self-interest, and a deception instead of protection. Whether regarded in a financial, political or national point of view, it was equally objectionable, and considering our extended frontier - 1000 miles in length, the government that could

enforce such a system would prove a nuisance; as it would carry with it the seeds of demoralization, and be a premium upon smuggling; paralyzing the efforts of the honest and fair trader, who obeyed the law, while those who broke it became enriched. Napoleon, with all his armies, had not been able to prevent smuggling, and how could we expect to do so? In short, it was a system that would reduce the price of labour, while it raised the price of provisions; and would ultimately drive the emigrant labourer from Canada to the United States.²

(59)

The Honourable Mr. Neilson moved in amendment, seconded by Mr. Simpson, That all the words after "That," in the said motion, be struck out, and the following substituted, "in the present state of opinion throughout the world in respect of the freedom of Commercial intercourse between Nations, it is expedient to extend or introduce the system of imposing taxes on the good of one description of the Inhabitants with a view to benefit another class, and particularly to impose taxes on the importation of food for the use of the non-agricultural population in this Province."

MR. HINCKS was surprized to meet with this opposition at this stage of the proceedings. The taxes now proposed were on the principle of reciprocity: Other interests were protected, and the Canadian farmer demanded that the same privilege should be extended to him. As to smuggling which was urged as an objection to the measure, he would allow that in the article of tea it prevailed to some extent, but not in any great degree with regard to other articles. He was of opinion that the duties might be collected with ease, and were such as were required for the very existence of those who expended their labour and their capital in farming.³

MR. SIMPSON was opposed to the measure both in principle and in detail, and would therefore support the amendment. Such legislation was a disgrace to a fifth-form boy. (Hear, hear, and a laugh.) He meant politically: (Much laughter.) The hon. member ... entreated the house to stop in their mad career of extravagance, pronouncing taxation a crime, and the system now proposed a fraud, as the merchant would much rather pay 9d. per cwt. for the hog, and make his own bacon and hams, than have to come in contact with a host of custom-house officers, and an army of excisemen.⁴

DR. DUNLOP affirmed that the whole wealth of Canada was from the plough, the country having neither manufactures nor minerals. What other interest then, could be put in competition (sic) with agriculture? As the navy, he said, was to Great Britain, so was agriculture to Canada - the bulwark of it. With regard to the arguments in favour of cheap provisions, what had been the result of the cheapness that had prevailed in England for the last three years? Why, the Paisley weaver had been

working for a few pence a-day. When the farmer got five shillings a bushel for his wheat, he could afford to purchase the manufactures of Great Britain, but when that price fell to half-a-dollar, he was obliged to spin his own wool, and support himself upon such articles as he could raise upon his farm, leaving the storekeeper to look for his customers elsewhere. (Hear, hear.) After all the clamour made against protection, he called it no protection to impose a duty of merely 20s. upon a fat ox, worth perhaps £10. He would not thank the legislature for such an act; but would rather have none at all. The rich prairies of Ohio and Illinois were open to the American grazier, while the Canadian farmer had to fatten his cattle on the produce of his farm.⁵

MR. CAMERON observed that the member for Huron had placed far too high a price upon oxen, their value averaging from \$20 to \$25. He had known many instances of cattle being sold as low as \$8: This was owing to the system by which the Americans had been allowed to pour in their stock, and glut our markets, whenever it suited them.⁶

MR. VIGER, though willing to give his vote in support of the measure that had been introduced by the government, spoke for some time against the principle of putting a tax upon agricultural products; affirming that it was an act of great absurdity, an injustice to the rest of the community, and a ruinous project.⁷

MR. ARMSTRONG considered the opinions of the member for Richelieu ((Mr. Viger)) as purely theoretical. No constituency was more desirous of a protective system than his (the member for Richelieu's) nor had any agitated for it more.⁸

(59)

The question having been put on the motion of amendment, a division ensued, and the names being called for they were taken down as followeth:

YEAS.

Messieurs BARTHE, FORBES, HAMILTON, LESLIE, MOFFATT, NEILSON, D. B. VIGER, and L. M. VIGER, (8.)⁹

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, DALY, DE WITT, DUNN, DURAND, FOSTER, GILCHRIST, HALE, HINCKS, HOLMES, HOPKINS, JONES, KILLALY, LAFONTAINE, D. McDONALD, MCLEAN, MERRITT, MOORE, MORIN, MORRIS, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, HENRY SMITH, HARMANNUS SMITH, G. SHERWOOD, STEELE, TACHE, TASCHEREAU, THOMPSON, THORBURN, TURGEON, WAKEFIELD, WATTS, and WILLIAMS, (50)

So it passed in the Negative.

The question being then put on the main motion, it was agreed to by the House, and

The first to the fifth of the said Resolutions, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to unanimously.

The sixth of the said Resolutions being again read,

The Honourable Mr. Hincks moved in amendment, seconded by Mr. Cameron, That the words "on each head of neat Cattle enumerated four years old and upwards," be added after the word "Sterling" in the said Resolution.

The Question having been put on the motion of amendment, it was agreed to by the House.

The Question being then put on the said sixth Resolution, as amended, it was agreed to unanimously.

The seventh of the said Resolutions being again read,

The Honourable Mr. Hincks moved in amendment seconded by Mr. Cameron, That the words "on each head of neat Cattle unenumerated under four years old" be added after the word "Sterling" in the said Resolution.

The Question having been put on the motion of amendment, it was agreed to by the House.

The Question being then put on the said seventh Resolution, as amended it was agreed to unanimously.

The eighth to the twenty-fourth of the said Resolutions, inclusively, being again severally read, and the Question of concurrence being separately put upon each, they were agreed to unanimously.

The twenty-fifth of the said Resolutions being again read, and the Question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DALY, DE WITT, DUNLOP, DUNN, DURAND, FOSTER, GILCHRIST, HALE, HINCKS, HOLMES, HOPKINS, JONES, KILLALY, LAFONTAINE, D. McDONALD, J. S. MACDONALD, MCLEAN, MERRITT, MOORE, MORIN, MORRIS, NOEL, PARKE, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, HENRY SMITH, HARMANNUS SMITH, STEELE, TACHE, TASCHEREAU, THOMPSON, THORBURN, WAKEFIELD, WATTS, and WILLIAMS, (49.)

NAYS.

Messieurs BARTHE, FORBES, LESLIE, MOFFATT, NEILSON, SIMPSON, D. B. VIGER, and L. M. VIGER (8.)

So it was carried in the affirmative.

MR. SIMPSON ... ((declared)) that concurrence on such resolutions was pouring the poison of impolicy into the cauldron of injustice. (Much laughter.)¹⁰

(59)

The twenty-sixth of the said Resolutions being again read, and the Question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative.

The twenty-seventh to the thirty-first of the said Resolutions, inclusively, being again severally read, and the Question of concurrence being separately put upon each, they were agreed to unanimously.

The thirty-second of the said Resolutions being again read, and the Question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DALY, DE WITT, DUNN, FORBES, FOSTER, GILCHRIST, HARRISON, HINCKS, HOLMES, KILLALY, LAFONTAINE, LESLIE, D. McDONALD, MERRITT, MOFFATT, MOORE, MORIN, MORRIS, NEILSON, NOEL, PARKE, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, TACHE, TASCHEREAU, D. B. VIGER, L. M. VIGER, and WAKEFIELD, (42.)

NAYS.

Messieurs BARTHE, DUNLOP, DURAND, HALE, HOPKINS, J. S. MACDONALD, SIMPSON, HENRY SMITH, HARMANNUS SMITH, STEELE, THOMPSON, THORBURN, WATTS, and WILLIAMS, (14.)

So it was carried in the affirmative.

The thirty-third of the said Resolutions being again read, and the Question of concurrence being put thereon, it was agreed to by the House.

The Thirty-fourth and last of the said Resolutions being again read, and the Question of concurrence being put thereon, a division ensued, and the names being called for, they were taken down as followeth:

(60)

YEAS.

Messieurs AYLWIN, BALDWIN, BERTHELOT, BOUTILLIER, CAMERON, CARTWRIGHT, CHABOT, CHRISTIE, DE WITT, DUNN, FORBES, HARRISON, HINCKS, HOLMES, KILLALY, LAFONTAINE, LESLIE, D. McDONALD, J. S. MACDONALD, MCLEAN, MERRITT, MOFFATT, MORIN, MORRIS, NEILSON, NOEL, PARKE, PRICE, QUESNEL, TACHE, THOMPSON, THORBURN, D. B. VIGER, L. M. VIGER, and WAKEFIELD, (35.)

NAYS.

Messieurs ARMSTRONG, BARTHE, BOSWELL, CHILD, DUNLOP, DURAND, FOSTER,

GILCHRIST, HALE, HOPKINS, MOORE, POWELL, PRINCE, ROBLIN, SIMPSON, HENRY SMITH, HARMANNUS SMITH, STEELE, TASCHEREAU, WATTS, and WILLIAMS, (21.)
So it was carried in the affirmative.

The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Attorney General Baldwin, for leave to bring in a Bill to impose Duties on Agricultural Produce and live Stock imported into this Province.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DE WITT, DUNLOP, DUNN, DURAND, FORBES, FOSTER, GILCHRIST, HALE, HARRISON, HINCKS, HOLMES, HOPKINS, KILLALY, LAFONTAINE, LESLIE, D. McDONALD, J. S. McDONALD, MCLEAN, MERRITT, MOFFATT, MOORE, MORIN, MORRIS, NEILSON, NOEL, PARKE, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, HENRY SMITH, HARMANNUS SMITH, STEELE, TACHE, TASCHEREAU, THOMPSON, THORBURN, D. B. VIGER, L. M. VIGER, WAKEFIELD, WATTS, and WILLIAMS.--(54.)

NAYS.

Messieurs BARTHE, and SIMPSON.--(2.)

So it was carried in the affirmative, and

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Customs Bill.

The Order of the Day for the second reading of the Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue, being read,

Ordered, That the said Order of the Day be postponed until Thursday next.

Adverse claims.

A Bill to enable Courts of Law in that part of this Province called Upper Canada, to give relief against adverse claims made upon persons having no interest in the subject of such claims, was, according to Order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again

read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Niagara and
Gore Districts
Boundary Line.

The Order of the Day for the House in Committee to take into consideration the propriety of amending the Act of the Legislature of the late Province of Upper Canada, of the 56 Geo. 3, cap. 19, so far as relates to the Boundary Line between the Niagara and Gore Districts, and another Reference being read,

The House accordingly resolved itself into the said Committee.

Mr. Taché took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Taché reported that the Committee had come to a Resolution which Resolution was again read at the Clerk's table, and agreed to by the House and is as followeth:--

Resolved, That it is expedient that the present Base Line between the Townships of Oneida and Seneca, in the District of Niagara and the Townships of Tuscarora and Onondaga in the District of Gore, be adopted as the true Boundary Line between the said Districts, and that so much of the Act 56 Geo. 3, cap. 19, of the Legislature of the late Province of Upper Canada, be amended as relates to the same.

Ordered, That Mr. Thorburn have leave to bring in a Bill to amend the Act relating to the Boundary Line between the Niagara and Gore Districts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Religious Societies'
Lands.

The Order of the Day for the House in Committee on the Bill to enable Religious Societies of all denominations of Christians (in that part of the Province formerly called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. Gilchrist took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Gilchrist reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Tuesday next.

Petition of C.
Cunningham and
others, & H. Young
& others.

The Order of the Day for the House in Committee, on the Report of the Special Committee to which were referred the Petition of Charles Cunningham and others, of the City of London, in England; and the Petition of Andrew H. Young and others of the

City of Quebec, being read.

The House accordingly resolved itself into the said Committee.

Mr. Merritt took the Chair of the Committee.¹¹

MR. CHRISTIE moved a resolution in favour of incorporating a Company of Merchants in England and Quebec, who purpose (sic) engaging in the fisheries in the gulf of St. Lawrence and mining in the Province of Canada. He stated that the Company intended to apply for an Act of Incorporation in England, but had first sought the sanction of the Provincial Legislature; they proposed a capital of £150,000, with power to encrease it to £200,000.¹²

DR. DUNLOP was in favour of the plan, but would have proper safeguards introduced to protect the rights of the people of this Province, especially that the Company should invest something here so as to be answerable for any claims that may be made on them. There were English Companies doing business in Canada who cannot be sued here, as the Canada Company. He admitted that the Company allowed themselves to be sued, but it was a matter of grace and favour on their part. And then there were English Insurance Companies who cannot be sued here. He knew a man who sued an Insurance Company for £300, and they pleaded that they were not answerable, and non-suited him. He then went to Westminster, and sued them there, recovered his £300, but spent £500 in doing it.¹³

MR. MORIN approved of the course taken by the proposed Company, but objected to granting them power to mine, as it might interfere with the Crown's right to mines.¹⁴

MR. WAKEFIELD said he was acquainted with some of the parties applying to be incorporated, and it was by his advice that they sought the sanction of the Legislature before obtaining an Act in England. As to the objection raised against granting power to mine, the Act would give the company no power that was not possessed already by individuals, for they could not touch any mine without first making an agreement with the owner of it, whether a private individual or the Crown. He believed the mining contemplated was some coal mines in the District of Gaspé, said to be as valuable as those of Picton &c. in Nova Scotia; and as neither mines nor fisheries could be adequately pursued without large capital, it was expedient to grant the application.¹⁵

MR. AYLWIN disapproved of pledging the House to all that the company asked, especially the mining.¹⁶

COL. PRINCE was not surprised that the Crown Officers were jealous of an indefinite proposal to work mines, but thought that he would guard against trenching on the rights of the Crown. We should be liberal to men who propose employing their money in improving the country.¹⁷

(60)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Merritt reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to grant the prayer of the Petitioners, and to Incorporate a Company under proper restrictions for the purposes of carrying on the Fisheries in the District of Gaspé and other parts of the Gulf of St. Lawrence, in this Province, and for Coal mining during a limited time.

Gaspé Mining
and Fishing
Company Bill.

Ordered, That Mr. Christie have leave to bring in a Bill to Incorporate certain persons therein named with others, providing funds towards carrying on the British Fisheries in the Gulf of

(61)

St. Lawrence and District of Gaspé, and mining in the said District, under the style of the Gaspé Fishery, Commercial, and Mining Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Contingencies.

The Order of the Day for the House in Committee on the First Report of the Standing Committee on

Contingencies, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Viger took the Chair of the Committee,

Resolutions were passed for addresses to his Excellency, to issue his warrant to the clerk of the House for £3578 9s 7½d. to defray the arrears and contingencies of the House during the last session and the recess; also for an address of a similar import for the sum of £5000 currency for the current expenses of the present session.¹⁸

((MR. AYLWIN asked a question.))¹⁹

MR. THORBURN in reply to Mr. Aylwin, stated that the House would be pledged to no particular claims or items contained in the report, but that on a future day, a detailed statement would be given of all disbursements.²⁰

(61)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Viger reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

County of
Huron.

The Order of the Day for the House in Committee to consider the expediency of amending the Act of the 4th William 4, Capt. 55, establishing the

County of Huron, being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Attorney General Lafontaine took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Attorney General Lafontaine reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend the Act 4th William 4, cap. 55, which establishes the County of Huron, by detaching the Township of Williams from the said County of Huron.

Ordered, That Mr. Dunlop have leave to bring in a Bill to detach

Township of
Williams Bill.

the Township of Williams from the County of Huron in the District of Huron, and to annex it to the County of Middlesex, in the District of London.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Then on motion of Mr. Hamilton, seconded by the Honourable Mr. Viger,

The House adjourned.

FOOTNOTES - 19 OCTOBER 1843.

1. The debate on this matter was reported in: BRITISH COLONIST, 24 October 1843, in an account identical to that of MONTREAL GAZETTE, 24 October 1843; KINGSTON CHRONICLE, 21 October 1843, whose account was copied by the EXAMINER, 26 October 1843; L'AUREOLE, 24 October 1843; and LA MINERVE, 23 October 1843.
2. BRITISH COLONIST, 24 October 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. BRITISH COLONIST, 24 October 1843, adds Mr. Simpson to its "yeas" list.
10. BRITISH COLONIST, 24 October 1843.
11. The debate on this matter was reported in: BRITISH COLONIST, 24 October 1843, in an account identical to that of the MONTREAL TRANSCRIPT, 28 October 1843.
12. MONTREAL TRANSCRIPT, 28 October 1843.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. BRITISH COLONIST, 24 October 1843.
19. IBID.
20. IBID.

FRIDAY, 20 OCTOBER 1843.

(61)

Commercial Bank. MR. SPEAKER laid before the House a General Statement of the Affairs of the Commercial Bank of the Midland District, received in conformity to an Order of this House of the 6th Instant.
(For the said General Statement see Appendix Y.)

12 Petitions
brought up.

The following Petitions were severally brought up and laid on the Table:--

By Mr. Morris--The Petition of the Minister and Session in behalf of the Presbyterian Church at Brockville.

By Mr. McLean--The Petition of John Crysler, and others, of the Township of Finch, in the Eastern District; and the Petition of John McGillivray and others, of the Eastern and Ottawa Districts.

By Mr. D. McDonald--The Petition of Charles A. Lowe, and others, Inhabitants of the District of Ottawa.

By Mr. Wakefield--The Petition of Eden Colville and others, Inhabitants of the Parishes of St. Clement and St. Timothé de Beauharnois.

By Mr. Cameron--The Petition of the Minister, Elders, and Trustees, of the First Presbyterian Church at Perth, in the District of Bathurst.

By Mr. Hale--The Petition of George K. Chisholm, Serjeant-at-Arms to the Legislative Assembly.

By the Honourable Mr. Viger--The Petition of Xavier Légaunt and others of Isle Bisare in the Parish of St. Raphael, in the District of Montreal.

By the Honourable Mr. Attorney General Baldwin--The Petition of Newby Robinson, and others, Inhabitants of the Home District.

By Mr. Roblin--The Petition of William Portt and George Portt, of the Township of Tyendinaga, in the District of Victoria.

By the Honourable Mr. Hincks--The Petition of Mark Willoughby, Superintendent of the Newfoundland and British North American School Society.

By Mr. Powell--The Petition of Frederick Sovreen, and others, of the Middleton Baptist Church.

Bank of Montreal.

An Engrossed Bill to amend the Act Incorporating the Bank of Montreal, by providing for the extension of the time limited for the paying up of the new Stock of the said Bank, was read for the third time.

MR. CARTWRIGHT rose and said, that he thought that a proper time to notice certain remarks that had been made in that House and had gone through the Province, that the Bank Bills had not been fairly passed through the Committee. He was not in his place when these observations were made or he would at once have shewn that there was no foundation for them. He would not apologise for occupying the time of the house, for he felt it due to that hon. body as well as to those hon. gentlemen who had the several Bills in charge, not to allow any imputation upon either to go abroad uncontradicted. It had been asserted that the Bill chartering the Bank of Montreal had passed without a certain clause which others contained, and also that the bill chartering the Commercial Bank, over which he had the honor of presiding ever since it was established, had been passed by a trick. Now what were the facts? It would be in the recollection of hon. gentlemen that during the first Session all the Monied Institutions of the Country asked for new Charters. All the Petitions were referred to a large and respectable Committee who directed that they should be all similar and should contain the clause which it is now ascertained was not in the Charter of the Montreal Bank - but before the bills were reported it was discovered that the Royal Charter granted to the Bank of British North America did not contain any such restriction, and it was not considered just that our own Institutions should be more hampered than that over which The Legislature had no control, and when the matter was under discussion in Committee it was so stated, and that particular clause not insisted on - and that, he always supposed, was the reason of the omission. With reference to the period within which the Stock was to be paid up and subscribed for, he found that with reference to the City Bank no period was named and that Institution may call in their Stock whenever they please. With reference to the Charters of the Bank of Upper Canada and Commercial Bank it must be in the recollection of hon. members that those Institutions, in 1841, refused to accept these Charters, and they were not passed during the first Session when those of the Quebec, Montreal and City Banks were - so that no unfairness existed as respected either at that time. During the second Session, 1842, these Charters were passed, being severally introduced by the hon. members from Leeds and South Northumberland, and on reference to the printed bills as introduced by those gentlemen, which he held in his hand, it would be found that the one introduced by his hon. friend, Mr. Morris, (the Commercial Charter,) had three years for subscribing Stock, &c.; the other, which his hon. and learned friend, Mr. Boswell, had in charge, was similar to the City Bank and was unlimited with respect to time. These bills were both introduced on the 23d of September - read the second time on the 28th of Sept., and passed through Committee at same time - and if hon. gentlemen would examine

they would find that both were allowed alike in Committee and were allowed each five years within which their respective Stocks were to be subscribed for and paid up. Now what ground was there for imputing unfairness to any one individual member of that House, or for supposing that that hon. House had been imposed upon. He trusted that he had said enough to satisfy the House - (cries yes, yes,) - that they had been treated fairly, and he felt it due to those gentlemen who had charge of these measures to make this explanation, as they were as incapable as he or any other hon. gentleman of imposing upon the House. (Cries of hear, hear.)¹

(61)

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the said Bill to the Legislative Council, and desire their concurrence.

Adverse claims
Bill.

An Engrossed Bill to enable Courts of Law in that part of this Province called Upper Canada, to give relief against adverse claims made upon persons having no interest in the subject of such claims, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of John F. Kingston, of the Township of Bedford, in the Midland District; praying for the opening of a Road between the Towns of Perth and Kingston, through the Townships of Bedford, Loborough, Sherbrooke, and Bathurst.

Of John A. Wilkinson, and others, Inhabitants of the Western District; praying that the Act providing for indemnification for losses sustained by Her Majesty's Loyal Subjects, in consequence of the late Rebellion, be carried into effect.

Of the Municipal Council of the Western District; praying for an additional duty upon Leaf Tobacco, imported into this Province from the United States.

Of the Municipal Council of the Western District; praying for the abolition of imprisonment for debt, except in certain cases.

Of J. B. Baby and others, Freeholders and Inhabitants of the

Western District; praying that the Seat of Government be not removed East of Kingston.

Of the Prince Edward District Agricultural Society; praying that a duty be levied on Agricultural Produce imported into this Province from the United States, equal to the duty now levied on Canadian produce by the American authorities.

Of Alexander Wylie and others, Presbyterians of the Townships of Edwardsburgh and Augusta; praying that no Legislative enactment may

(62)

be passed on the subject of the Temporalities of the Church of Scotland in Canada.

Of the Municipal Council of the District of Colborne; praying for the survey of a line of road from Lake Simcoe to Kingston, by the Board of Works.

Of E.J. Briggs and others, Inhabitants of the Municipal District of Missisquoi; praying that the Jurisdiction of the District Courts be increased.

Of Godfrey Esinhart and others, Tavern Keepers, of the Town of Dorchester, in the Parish of St. John the Evangelist; praying that no free License be granted to sell any Malted or Fermented Liquors.

Of A.C. Chapman and others, of the County of Rouville; praying aid for the establishment of an Academy at Clarenceville.

Of Francis Maine and others, Inhabitants of Foucault, Canada East; praying indemnification for losses sustained during the late troubles.

Petition of E.J. Briggs and others referred.

Ordered, That the Petition of E.J. Briggs and others, Inhabitants of the Municipal District of Missisquoi, be referred to the Special Committee to which was referred the Bill to amend the Law relative to the Administration of Justice in Lower Canada.

Message from Legislative Council.

A Message from the Legislative Council, by Charles De Léry, Esquire, Master in Chancery, Mr. Speaker,

The Legislative Council have passed the following Bills, without amendment:--

Judges Independence Bill.

"An Act to render the Judges of the Courts of King's Bench, in that part of this Province hereto-

fore Lower Canada, independent of the Crown."

Parliament
Continuation Bill.

"An Act for continuing the Provincial Parliament in case of the demise of the Crown."

Caldwell's Estate
Bill.

"An Act for securing the Province against any unnecessary loss on the Judicial Sale of certain parts of the Vacant Estate of the late Honourable

Sir John Caldwell."

And then he withdrew.

Indian Lands.

Resolved, That a Select Committee, composed of Mr. Thompson, the Honourable Mr. Dunn, the Honourable Mr. Morin, the Honourable Mr. Harrison, Mr. Merritt, Mr. Thorburn, Mr. Christie, Mr. Parke, and Mr. Cartwright, be appointed to take into consideration the system of granting Indian Lands in the District of Niagara and Gore, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Contingencies.

The Honourable Mr. Viger, from the Committee of the whole House on the first Report of the Standing Committee on Contingencies, reported, according to Order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth:--

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to issue his Warrant in favor of William Burns Lindsay, Esquire, Clerk of this House, for the sum of three thousand, five hundred and seventy-eight pounds, nine shillings, and seven pence, three farthings, currency, for defraying the arrears of the Contingencies of this House, of the last Session and Recess; and assuring His Excellency that this House will make good the same.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to issue his Warrant in favour of William Burns Lindsay, Esquire, Clerk of this House, for the sum of five thousand pounds, currency, towards defraying the current expenses of this House for the present Session, and assuring His Excellency that this House will make good the same.

Ordered, That the said Addresses be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Anatomy Bill.

The Order of the Day for the second reading of

*the Bill to regulate and facilitate the study of Anatomy, being read,
Ordered, That the said Order of the Day be postponed until Friday next.*

Intestate Estate
Bill.

*The Order of the Day, for the second reading of
the Bill to provide for the more equal distribution
of the property of persons dying intestate, within
that part of this Province formerly Upper Canada, being read,
Ordered, That the said Order of the Day be postponed until Monday,
the fifteenth of November next.*

Timber Inspection
Bill.

*The Order of the Day, for the second reading
of the Bill to regulate the Inspection and
Measurement of Timber, Masts, Spars, Deals,
and other articles of a like nature, being read,
Ordered, That the said Order of the Day be postponed until Tuesday,
the thirty-first instant.*

Protestant Orphan
Asylum Bill.

*A Bill to Incorporate the Ladies of the
Protestant Orphan Asylum of the City of Montreal,
was, according to Order, read a second time,
Ordered, That the said Bill be engrossed.*

Presbyterian Church
Bill.

*The Order of the Day for the second reading of
the Bill to provide for the management of the Tem-
poralities of the Presbyterian Church of Canada,
in connexion with the Church of Scotland, being read,
Ordered, That the said Order of the Day be postponed until Wednesday next.*

Houses of Refuge.

*The Order of the Day for the House in Com-
mittee to consider the propriety of establishing
a House or Houses of Refuge for Juvenile offenders, and to provide for
the diminution of crime in this Province being read,*

*The House accordingly resolved itself into the said Committee.
Mr. Chabot took the Chair of the Committee,²*

MR. CARTWRIGHT, on rising to move the resolutions which he held in his hand, said, the subject now brought under the notice of the House was one in which, he trusted, all felt interested. From ignorance and destitution many of the rising generation, he regretted to say, did not possess that necessary moral courage to enable them to withstand the temptation to vice and crime by which they were surrounded, and to the evils of which they were daily exposed. It was to provide a remedy for such a state of things - to draw the vagrant juvenile portion of the population from their bad influences, and to provide a receptacle for the punishment and reformation of those who come under the eye of the police as guilty of petty crimes - that he brought the present motion before the House. It must be well known to every one acquainted with

the criminal jurisprudence of the country, what was the nature of the crime for which juvenile offenders now generally brought within the cognizance of a court, in which the punishment inflicted was that of imprisonment in the common gaols. In these gaols there was no system of classification of the prisoners, and consequently so far from such a confinement proving either of immediate or further advantage, in most cases the youth convicted of some trivial offence becomes through intercourse with older and more hardened criminals, conversant with crime and looks upon its perpetration with less horror, and is prepared on his release, to go still further into the depths of vice. Every one entering a criminal court must be struck with the fact that crime almost without exception, is traceable to two sources - want of early moral culture, and intemperance; and I regret (sic) to say that it appears to be on the increase in Upper Canada, whatever it may be in the Lower Province. He had no statistical details with which to exhibit its process but, taking what has occurred in this District within the last few years, he feared that crime increased in a ratio greater than that of the population. He regretted being unable, from indisposition, to proceed at any length on the present occasion with the subject; it had engaged his attention for several years, and he had become more and more satisfied that no greater benefit could be conferred on the country than by the establishment of institutions where the vagrant and vicious of the juvenile population would be preserved from contact with those influences which are destructive of morality, and by labor and attention to their moral culture, they would become good members of society. His attention had first been called to this subject by the representations of the Warden of the Provincial Penitentiary, in which that officer recommended that no youth under 15 years of age should be admitted into that prison. Then if that was not a fit place for them, crime must go unpunished, or the juvenile offender sent to a worse place - the common goal, which, under the prevailing system, was nothing but a school of vice. He held two resolutions in his hand, which he intended to move. The first declared that common prisons were unfit receptacles for children: and the second to the effect that it is desirable to provide an Asylum for children under a certain age, coming under the notice of the police, in which they would be properly classified, and where a moral and religious education would be afforded them and every indications (sic) to a reformation held out to them. Those he would lay before the committee, and he hoped that hon. gentlemen would give their serious attention to the proposition, and devise some means to preserve the rising generation in the country from the evils to which they were exposed, for they were the hope of it. The resolutions might be adopted, and the whole subject referred to a special committee, for full investigation. It had occurred to him that a Provincial Asylum might be instituted, at but little expense,

as an appendage to the Penitentiary. The grounds attached to that prison were ample enough, and the whole might be placed under the superintendence of the Warden of the Penitentiary, and conducted with but little increased demand upon the Provincial revenue.³

DR. DUNLOP said the case before the house involved a very important question indeed, and he trusted it would be met, as such a case ought to be met, in a cool and dispassionate spirit: he, at least, would acquit himself of his duty in doing so, and if he differed from the hon. gentleman who had just sat down he hoped it would be attributed rather to an error of the judgment than any depravity of heart. There was, in his opinion, in the present day, altogether too much of that maudlin sentimentality abroad in the world, which extended charity to vice at the expense of honesty and industry. They had heard much of the hardships which the blackguards at Sheerness and other places where convicts were employed, ((suffered)), and a great deal of sympathy had been put forth for their hard fate. Now he had not only an opportunity of seeing these convicts, but as a surgeon visiting them with a friend, and what was their state? Why they cost, every rascal of them, 3s.6d. a day to the government, while the poor honest laborer, with the utmost exertion, could not earn more than 10d. a day: then they were told of the hardships which these men underwent but he (Dr Dunlop) would assert, as a medical man, that they had no more labor to perform than was actually necessary for the preservation of their health. He had seen a number of convicts employed on board a frigate, and the moment a shower of rain came on they were marched under a shed for the purpose, while honest men were obliged to keep their places and perform the work. Now, to him, the whole system was an absurdity - it arose from the maudlin sensibility - he could not call it any thing else - which sympathized with crime, and neglected the really honest man. Such conduct, in his opinion, was worse than absurd - it was cruel. With reference to the juvenile rascals spoken of by his hon. friend, he thought the best punishment was to tie them up and give them a good thrashing; he would whip them and send them to bed. It was really too absurd to talk of a moral school for such characters. He would be glad to see a house of correction in the rear of each prison, where they would be taken, tied up, and treated in the way he had pointed out. All the attempts which had ever been made to carry out such a system as that now proposed - and he had studied and examined their operation in Scotland, England and the United States - every attempt to reform the blackguards had proved abortive. He had visited the Glasgow Bridewell, in which such a system was attempted, and he had enquired of the officers at Auburn and Sing Sing, and found that one-third of those discharged came back again, and there was no doubt a large portion of the remaining two-thirds would be found scattered about

in other prisons through those countries. The establishments at Boston and Philadelphia were excellent: our own was a model: and before he would consent to vote away any money for the purposes of another Asylum, he would like to ask the highly respectable Warden of the Penitentiary here of the number who left his charge reformed in habits or character. Reform was not the object of the law - it was punishment - holding up the offenders as an example. His reformation was a secondary consideration: for there was at least one sentence which precluded the possibility of reform - that of death; there is no reform then. He thought it would be a waste of public money to erect such an institution as the one proposed.⁴

CAPT. STEELE attributed the opposition of the hon. gentleman who had just sat down to that aberration with which he was occasionally inflicted. The cases cited by the hon. gentleman were not at all applicable to the question before the House. The Asylum was not to be provided for adults or hardened criminals, but for those younger persons who were either vagrants, or came under the notice of the public as guilty of some petty crime, exhibiting their tendency to vice.⁵ ((He)) looked upon the people of Canada, as a moral and well conducted people, compared with other countries, the children rarely exhibiting the depraved habits of those, in the large cities of Great Britain.⁶

MR. AYLWIN said that the country would be deeply indebted to the hon. member for Lenox & Addington ((Mr. Cartwright)) for the measure which he had introduced to the notice of the House: and he (Mr Aylwin) regretted much that the hon. member for Huron should have treated the subject in the manner weich (sic) he had done. That hon. gentleman confounded two things as opposite and remote as possible - the punishment of adults and the reformation of youth. The proposition of the hon. member who introduced the measure was not to inflict punishment but to reform those who from their extreme youth were presumed to have no knowledge of what constituted right or wrong, many children had no parents or guardians, or what was, perhaps, worse, had bad parents; and it was not a matter of astonishment that many cases of juvenile criminality should come before the Courts of Justice. With reference to the means, however, to effect the object proposed, that was a question of considerable difficulty; and in this, perhaps nothing could be done during the present Session, as it would be necessary for any committee to be appointed to look through the history of such institutions in the United States, and examine their practical working, so as to digest a system which would meet the circumstances of the country. But as to the existence of the evil, all knew individually the truth of what had been stated, and it was right that it should be recognized by them collectively, and some means adopted the best calculated to afford

a remedy. In his opinion, the House could not be better employed them (sic) in the investigation of the subject: it was a duty enjoined alike by moral precept and christian philanthropy, (sic) and he must therefore repeat his surprise that any opposition should have been offered by the hon. member for Huron. He agreed with the hon. member for Simcoe, that his remarks were altogether inapplicable to the case before the House.⁷ Society was ready to punish guilt, let it also be disposed to shield from guilt.⁸

MR. NEILSON was of opinion, that unless parents educated their children, it would be vain to hope for any reformation. The legislature would therefore be called upon to take some steps in the matter, in order to restore public morals and enforce a due regard for religion. In New York, there was an Institution of this kind, that had been eminently successful, those who had been sent to it, having been taught a trade and made good members of society.⁹

MR. D. B. VIGER - Unless some kind of classification were adopted with regard to prisoners confined in the different jails, there could be no prospect of crime ever being on the decrease. The present system was a most defective one, the novice being mixed up with the hardened and incorrigible offender. It would be far preferable to torture youth than render them liable to become corrupt and depraved throughout their lives, which would inevitably be the case, while, in expiating their offences, they were thrown into the company of those whose whole conversation was absorbed in schemes of wickedness. To accomplish the object in view, both a moral and religious education should be provided. As a proof of the efficiency of this, he (Mr. D.B. Viger,) had known an instance of convicts evincing a marked change in their behaviour, by listening to an impressive sermon.¹⁰

MR. MORIN did not coincide with the views of the member for Lennox and Addington, to have only one asylum for juvenile offenders; as they must be sent from all parts, and would necessarily, in most instances, be removed far away from their friends and relatives, who had an interest in their reformation. The subject had been commented upon by his Excellency, who was duly impressed with the importance of it. The plan could not however, be carried into effect this session. He (Mr. Morin) had every confidence in the feasibility of a system of the kind. A Mr. Philembery, in Germany, had established a school upon this principle; and by a course of moral and religious instruction, combined with wholesome labour, had wrought such a change in those under his care that they became good farming servants, and were sought for, all over Germany. His plan, at first was, to teach them hymns and prayers, as a substitute for the lewd songs and immoral tales they had been

accustomed to listen to; and following this up, he eventually converted them into good men.¹¹

MR. HINCKS agreed with what fell from the member for Saguenay, that the proposition could not be entertained this session, although the government were fully disposed to concur in the expediency of establishing institutions of the kind. He (Mr. Hincks) hoped that there would soon be a general system of incorporation all over the country, which would allow of such establishments in every town. He would, however, like to see the system first tried in the large cities and towns such as Montreal, Quebec, Toronto, Kingston and Hamilton; and it could afterwards be multiplied, as the exigency of the case might require.¹²

(62)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Chabot reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth:--

- 1. Resolved, That the Prisons in this Province, at present, are not suitable places for the confinement of children, but such confinement induces or leads them to crime, as they are confined with old and hardened offenders by day and night.*
- 2. Resolved, That it is expedient to appoint a Special Committee to consider the expediency of establishing an Asylum, or other means of classification of persons in which children under a certain age, who become subject to the notice of the Police, either as Vagrants or charged with crimes, may be classed, put to work at such employments as will tend to encourage industry--taught the first branches of education, and instructed in their moral and*

(63)

religious obligations, and where, at the same time, they may be subjected to a course of treatment that will afford a prompt and energetic corrective of their various propensities, and hold out every possible inducement to reformation and good conduct.

Resolved, That a Special Committee of seven Members be appointed in conformity to the second of the said Resolutions, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Cartwright, the Honourable Mr. Viger, the Honourable Mr. Neilson, the Honourable Mr. Morin, Mr. Morris, the Honourable Mr. Hincks, and Mr. Thorburn, do compose the said Committee.

Petition of the The Order of the Day for the House in
Bishop of Montreal. Committee on the Report of the Special
 Committee to which was referred the Petition
of the Lord Bishop of Montreal, and others, being read,
The House accordingly resolved itself into the said Committee,
Mr. Christie took the Chair of the Committee,

MR. AYLWIN made two objections to the motion¹³—one to the words, "Diocese of Quebec," being used; the other, to granting a poor institution of the kind, whose durability was quite uncertain, the power of conferring degrees.¹⁴

MR. HALE, in reply to them, said, that setting aside the sanction which the name had received from the Lord Bishop of Montreal, the suggestion having originated with him he (Mr. Hale) had changed the name five times, to meet the wishes of different parties. As to the poverty of the institution, its funds, he allowed, were limited. In fact, it was an infant establishment, struggling in the woods, supported by those who were anxious to found a system among them, of superior instruction.¹⁵

MR. BALDWIN and MR. NEILSON expressed a desire to see every denomination of Christians on an equality, and enjoying similar privileges with the control of their own institutions. With regard to the want of funds, the member for Quebec, remarked, that in this instance, perhaps, as in many others, private zeal might accomplish what public beneficence was not called upon to contribute to.¹⁶

(63)

and, after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Christie reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Protestant Episcopal Resolved, That it is expedient that an Act
al College of Que- should be passed, in conformity with the
bec. recommendation contained in the Report of
 the Special Committee to Incorporate a
College under the name of the Diocesan College of the Protestant
Episcopal Diocese of Quebec.

Ordered, That Mr. Hale have leave to bring in a Bill to Incorporate
 the Diocesan College of the Protestant Episcopal Diocese of
 Quebec.

He accordingly presented the said Bill to the House, and the same

was received and read for the first time, and ordered to be read a second time, on Friday next.

Bill to prevent
obstructions in
Rivers.

A Bill to prevent obstructions in Rivers and Rivulets, in Upper Canada, was, according to order, read a second time.

Resolved, That the said Bill be referred to a Special Committee of five Members, to Report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Thompson, Mr. Merritt, Mr. Thorburn, Mr. Williams, and Mr. Forbes, do comprise the said Committee.

Then, on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Morin,

The House adjourned until Monday next.

FOOTNOTES - 20 OCTOBER 1843.

1. KINGSTON CHRONICLE, 25 October 1843.
2. The debate on this matter was reported in: BRITISH COLONIST, 24 October 1843, in an account identical to that of the MONTREAL GAZETTE, 24 October 1843; LA MINERVE, 23 October 1843; and KINGSTON CHRONICLE, 21 October 1843.
3. KINGSTON CHRONICLE, 21 October 1843.
4. IBID.
5. IBID.
6. BRITISH COLONIST, 24 October 1843.
7. KINGSTON CHRONICLE, 21 October 1843.
8. BRITISH COLONIST, 24 October 1843.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The motion was to "establish a college at Lennoxville, to be called the Diocesan College of the Protestant Episcopal Diocese of Quebec," according to BRITISH COLONIST, 24 October 1843.
14. BRITISH COLONIST, 24 October 1843.
15. IBID.
16. IBID.

MONDAY, 23 OCTOBER 1843.

(63)

County of Russell
contested Election.

THE hour appointed for taking into consideration the Petition of Alexander Findlay, and other Electors of the County of Russell, complaining of the undue Election and Return of William Stewart, Esquire, as a Member to represent the County of Russell, in this present Parliament, being come,

The House proceeded to the appointment of a Select Committee to try and determine the merits of the said Petition.

The Sergeant-at-Arms was directed by Mr. Speaker to go with the Mace to the places adjacent, and require the attendance of the Members on the business of the House.

And he went accordingly.

And being returned, the House was called, and more than thirty Members being present,

Mr. Speaker called upon the Petitioners, their Counsel, or Agent, to appear at the Bar.

Archibald Petrie, Esquire, appeared at the Bar, as Agent for the Petitioners.

Mr. Speaker then called for William Stewart, Esquire, the Member elect, his Counsel, or Agent, to appear at the Bar, when no person appeared.

Mr. Speaker then desired the Sergeant-at-Arms to lock the doors.

And the doors being locked accordingly, and the Order of the Day, for taking the said Petition into consideration, being read, the attestation of Mr. Speaker was taken from off the Box in which, agreeably to the Statute, the names of all the Members of the House were sealed up, and the same was read by the Clerk, as follows:--

"I attest that this Box was, on the twenty-third day of October, 1843, made up in my presence, in the manner directed by an Act passed in the Fourth year of the Reign of His late Majesty King George the Fourth, intituled "An Act to repeal an Act passed in the Forty-fifth year of His late Majesty's Reign, intituled "An Act to regulate the trial of contested Elections, or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials."

Austin Cuvillier,
Speaker.

The Box was then opened, and the attestation of the Clerk was taken out of the Box and read by him as follows:--

"I attest that I did on Monday, the twenty-third day of October, 1843, in presence of the Speaker of this House, put into a Box, in which this attestation is found, the names of all the Members composing the present Legislative Assembly, written upon slips of parchment, and

rolled up as directed by an Act passed in the Fourth year of the Reign of His Late Majesty, King George the Fourth, intituled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's Reign, intituled "An Act to regulate the trial of controverted Elections or Returns of Members to serve in the House of Assembly, and to make more effectual provision for such trials."

W.B. Lindsay,
Clerk of Assembly.

The names of all the Members were taken out of the Box, and put into three other Boxes.

The drawing of the names was proceeded in, in the usual manner.

Mr. Speaker directed the Clerk to draw from the Boxes one other name, exclusive of the nominee chosen.

The list of Names was then completed, as follows:

- | | |
|---------------------|------------------|
| 1. HAMILTON, | 12. THORBURN, |
| 2. WATTS, | 13. THOMPSON, |
| 3. HALE, | 14. LESLIE, |
| 4. HARMANNUS SMITH, | 15. POWELL, |
| 5. PRINCE, | 16. PAPINEAU, |
| 6. WILLIAMS, | 17. MOORE, |
| 7. GILCHRIST, | 18. BALDWIN, |
| 8. TACHE, | 19. AYLWIN, |
| 9. CHILD, | 20. HOLMES, |
| 10. D. MCDONALD, | 21. DURAND, |
| 11. PARKE, | 22. H. SHERWOOD. |

Two names were drawn and set aside, or excused as follows:

One exempted from age,

One do. do.sickness.

Twenty-eight names were also drawn of Members who were absent.

The Honourable Mr. Sherwood was chosen nominee for the Petitioners.

(64)

Ordered, That the Clerk of the House be appointed to act on the part of the absent party, for the purpose of striking off alternately the Members, according to the provisions of the Grenville Act.

At twenty minutes to four o'clock, P.M., the parties, with Alfred Patrick, Esquire, Clerk to the Select Committee, retired for the purpose of striking the said Committee.

At four o'clock, P.M., the Clerk to the Select Committee delivered to the Clerk of the House a List containing the names of the nine Members unstruck, composing the Select Committee, which is as follows:

- | | | |
|--------------|---------------|--------------|
| 1. HAMILTON, | 4. WILLIAMS, | 7. THORBURN, |
| 2. HALE, | 5. GILCHRIST, | 8. LESLIE, |
| 3. PRINCE, | 6. CHILD, | 9. POWELL. |

Nominee for the Petitioners, the Honourable Mr. Sherwood.
 Nominee for the Member Elect, Mr. Noel.

Alfred Patrick,
 Clerk to Committee.

The said nine Members and the Nominees were then severally sworn at the table by the Clerk, in the usual manner.

On motion of the Honourable Mr. Sherwood, seconded by Mr. Noel.
Ordered, That the Committee appointed to try the Petition of Alexander Findlay, and other Electors of the County of Russell, complaining of the undue Election and Return of William Stewart, Esquire, do now meet in a Committee Room of this House.

18 Petitions
brought up.

The following Petitions were severally brought up and laid on the table:

By Mr. Thorburn--The Petition of James Taylor and others, Brewers and Barley Growers, in the District of Niagara.

By Mr. Leslie--The Petition of Peter Morgan and others, Inhabitants of Côte des Neiges; Côte St. Catherine; Côte St. Luc, and Côte St. Antoine, in the Parish of Montreal; the Petition of Simon Valois and others, Inhabitants of Côte St. Michel; Côte de la Visitation, and of the St. Mary's Current, in the Parish of Montreal; and the Petition of Messieurs Gillespie, Moffatt & Company, and other Merchants of Montreal.

By Mr. Cameron--The Petition of William Millar and others, of Port Sarnia.

By Mr. Moore--The Petition of Alexander Rea, of the Township of Compton; and the Petition of Thomas Tate and others, Inhabitants of Melbourne and other Townships, in the District of St. Francis.

By Mr. Durand--The Petition of the Municipal Council of the District of Wellington (relating to Statute labour.)

By Mr. Chabot--The Petition of J. Duval, Esquire, and others, Officers of the Society of Education for the District of Quebec.

By Mr. Holmes--The Petition of George Matthews and others, Inhabitants of the City of Montreal; and the Petition of the Mayor, Aldermen and Citizens of the City of Montreal.

By Mr. Prince--The Petition of the Municipal Council of the Western District (relating to the remuneration of Councillors); the Petition of the Municipal Council of the Western District (relating to the Town Clerks); the Petition of the Municipal Council of the Western District (relating to the Municipal Council Act); and the Petition of John Brown and others, Inhabitants of the Western District.

By Mr. Judah--The Petition of W.A. Hale, Esquire, and others, Inhabitants of the Parish of St. Anne Le Pérade, in the District of Three Rivers.

By the Honourable Mr. Moffatt--The Petition of Thomas Jenkins, Senior, of the Township of Middleton, in the District of Talbot.

Montreal Protestant An Engrossed Bill to Incorporate the Ladies of
ant Orphan Asylum the Protestant Orphan Asylum of the City of Mont-
Bill. real, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Leslie do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read:--

Of Henry R. Goodman, M.D. and others, Inhabitants of the Township of Grimsby; praying that the Laws for the recovery of small Debts may be amended.

Of the Reverend Andrew Balfour, of Waterloo; praying aid for a School.

Of Joseph Forsyth, and others, commuted Pensioners and discharged Soldiers; praying for an extension of the time for application to the Government for Scrip.

Of Messieurs Atkinson, Usborn & Co., and others, of the City and Banlieu of Quebec; praying aid to repair the Cove or Beach Road, from the City of Quebec to the South West extremity of Sillery Cove.

Of the Municipal Council of the Western District; praying for certain amendments to the Common School Act.

Of the Municipal Council of the Western District; praying for a repeal of all Laws authorizing the payment of a Bounty for destroying Wolves in the said District.

Of the Municipal Council of the Western District; praying that a Tax be imposed on Dogs in the said District.

Of Thomas Woodbridge and others, Inhabitants of the Western District; praying that the Act for the preservation of Deer within this Province, and to prohibit shooting on the Lord's day, be amended.

Of Edwin Pridham and others, Inhabitants of the Township of Grenville, on the Ottawa River; praying that a Duty be imposed on American Produce

and Manufactures imported into this Province.

Of Charles F. Grece and others, Inhabitants of the District of Terrebonne, Canada East; praying that a Duty be imposed on American Produce and Manufactures imported into this Province.

Of the Minister and Session on behalf of the Presbyterian Church at Brockville; praying that the Bill relating to the Temporalities of the Church of Scotland in Canada, be not passed.

Of John Cryslor and others, of the Township of Finch, in the Eastern District; praying aid for a Road.

Of Charles A. Lowe and others, Inhabitants of the District of Ottawa; praying for a Law to confirm certain Official Acts in the Ottawa District.

Of Eden Colville and others, Inhabitants of the Parishes of St. Clement and St. Timothé de Beauharnois; complaining of damages and injuries sustained from the Labourers on the Beauharnois Canal; and praying for compensation and protection.

(65)

Of the Minister, Elders, and Trustees, of the First Presbyterian Church at Perth, in the District of Bathurst; praying for the passing of an Act to secure the Temporalities of the said Church.

Of George K. Chisholm, Serjeant-at-arms to the Legislative Assembly; complaining of the inadequacy of his Salary, and praying an increase thereof.

Of Zavier Légault and others, of Isle Bizare, in the Parish of St. Raphael, in the District of Montreal; praying that the said Island may be annexed to the County of Montreal, instead of forming part of the County of Two Mountains.

Of Newby Robinson and others, Inhabitants of the Home District; praying for the passing of an Act to abolish Imprisonment for Debt.

Of William Portt and George Portt of the Township of Tyendinaga, in the District of Victoria; praying to be indemnified for losses sustained through political incendiarism.

Of the Reverend Mark Willoughby, Superintendent of the Newfoundland and British North American School Society; praying for an aid in support of the said Society.

Petition referred.
Sergeant-at-Arms.

tingencies.

Ordered, That the Petition of George K. Chisholm,
Serjeant-at-arms to the Legislative Assembly,
be referred to the Standing Committee on Con-

Report on Private
Bills.

again read at the Clerk's table, and is as followeth:--

The Honourable Mr. Moffatt, from the Standing
Committee on Private Bills, presented to the House
the Second Report of the said Committee, which was

Banque du
Peuple Bill.

"By the Petition of L.M. Viger, Esquire and
others, it appears that the Petitioners are the
Acting Partners of a Company, who have for many
years carried on business as Bankers in the City of Montreal, being
commonly known as the Banque du Peuple,--with a Capital of £ 150,000
currency; and their Co-partnership being about to expire, they are
desirous of obtaining an Act of Incorporation, based upon their
Articles of Association, with power to sue and be sued under a
Corporate name.

"After a due consideration of the matter, your Committee are
disposed to recommend that the prayer of the Petitioners be adopted;
they therefore respectfully submit that an Act of Incorporation be
granted to the Petitioners, their Heirs and Assigns, based upon the
said Articles of Association, with such further provisions as may be
deemed fit and proper by your Honourable House.

Dissentit--The Honourable Mr. Moffatt.

Bill to incor-
porate "Les
Dames Reli-
gieuses du
Sacré Cœur de
Jésus."

Your Committee have also examined the Petition
of the Reverend Jean Romuald Paré, Rector of the
Parish of St. Jacques de L'Achigan--which sets
forth that a Convent was established some years
ago in the said Parish, at the private expense of
the Petitioner and others, under the direction of
Les Dames Religieuses du Sacré Cœur de Jésus, for
the education of young females; and prays that an Act may be passed to
Incorporate the Ladies of the said Institution for the furtherance of the
object for which it was established. Your Committee having considered the
subject, are of opinion that a compliance with the prayer of the Petiti-
oner will tend to the advancement of education, and therefore submit
the expediency of passing a law to carry the same into effect.

Mercantile Library
Association of
Montreal.

Your Committee have considered the Petition of
the Office Bearers of the Mercantile Library
Association of Montreal; this Institution was

established in 1841, by certain young men engaged as Mercantile Clerks, who associated themselves together for the purpose of forming a Library and Reading Room, and for organizing a system of instruction by means of lectures and classes in the different branches of Mercantile education; and having now become possessed of a valuable collection of Books, and other necessary property, are anxious to obtain an Act of the Legislature to erect them into a body politic and corporate, for the purpose of enabling them to provide more effectually for the management of the Institution--a measure which your Committee cordially recommend for the adoption of your Honourable House.

Naturalization of
J.A.P. Barbier and
wife.

The Petition of Jacques Adrien Pierre Barbier, and Euphraisie Barbier, his wife, praying for an Act to naturalize them, and to enable them to hold certain land in this Province bequeathed to the latter by will, has also come under the consideration of your Committee; the former has appeared before them in support of his petition, and states that he was born at Villeneuve Le Roi, in the Department of L'Yonne, Kingdom of France, in 1813,--that his wife Euphraisie Vivien, is a native of the same Kingdom, having been born at Paris; that by the last will of the late William Harwood, a natural born subject of Her Majesty, certain real estate in this Province was bequeathed to the said Euphraisie Vivien, and that the Petitioners came to this Country in 1837, are now residing in Kingston, and are desirous of permanently establishing themselves in the Province, and taking possession of the said property; but they cannot legally hold the same without an Act being passed to enable them to do so. The case being one of a peculiar nature, and in which the interests of other persons besides the Petitioners may be involved, your Committee recommend the adoption only of so much of the prayer of the petition as relates to an Act of Naturalization, leaving the residue of the matter to be settled in such way as to your Honourable House may seem most expedient."

Report of Special
Committee on Pet-
ition of A. Simpson
& others.

The Honourable Mr. Neilson, from the Special Committee to which was referred the Petition of A. Simpson, and other Agriculturists of Quebec; praying that "The Quebec Turnpike Act" may be so amended as to allow Vehicles laden with manure to pass through free of Toll, with an Instruction to consider the propriety of extending the same exemption to the whole Province, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have duly considered the Petition referred, and the order of Reference and Instruction. The petition praying that "The Quebec Turnpike Act" may be so amended as to allow Vehicles laden

with manure to pass through free of Toll; and your Committee also considering the great quantities of manure which accumulate in Towns, and the beneficial effects which may result from the example of Agricultural improvement in the vicinity of the Towns, from a proper and extended application of manure, are of opinion, that the exemption prayed for ought to be granted, and also that the same exemption be extended to all the Turnpike Roads in the vicinities of the several Towns within the Province."

Ordered, That the said Report be referred to a Committee of the whole House, to-morrow.

Leave of absence
to Mr. Small.

urgent business.

Ordered, That the Honourable Mr. Solicitor
General Small have leave to absent himself from this House, for one week, on

(66)

Harbour and Port
dues, Toronto.

On motion of the Honourable Mr. Boulton, seconded by the Honourable Mr. Dunn,
Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a Return of the Harbour and Port Dues, levied by any Act of the Parliament of Upper Canada, for the years commencing on the 1st January, 1836, and ending on the 1st January, 1843, for the Port of Toronto.¹

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Upper Canada Local
Municipal authorities
Repeal.

Ordered, That the Honourable Mr. Attorney
General Baldwin have leave to bring in a
Bill to repeal the Act in force in Upper
Canada, relative to the establishment of

Local and Municipal Authorities; the Regulation of Highways; the Assessment and Collection of Local Taxes; and other matters of a like nature.

He accordingly presented the said Bill to the House; and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Cities & Towns Corp-
oration Bill, U.C.

Ordered, That the Honourable Mr. Attorney General
Baldwin have leave to bring in a Bill, to provide for the Incorporation of the Townships,
Towns, Counties and Cities in Upper Canada.

He accordingly presented the said Bill to the House; and the same was received and read for the first time, and ordered to be read a

second time on Monday next.

Mercantile Library Association Bill.

Ordered, That Mr. Holmes have leave to bring in a Bill to Incorporate the Members of the Mercantile Library Association of Montreal.

He accordingly presented the said Bill to the House; and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the thirty-first instant.

On motion of Mr. Thorburn, seconded by the Honourable Mr. Boulton.

Lunatic Asylums Toronto, Montreal and Quebec.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House the accounts of the Temporary Lunatic Asylums at Toronto,

Montreal and Quebec, together with the number of Patients received and discharged, with the dates, particularizing the name of the District by which sent; also any sums of money paid in on account of Patients, and if any, what the amount, and by whom paid; as well as copies of all correspondence connected with the management of the said Institutions.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Feudal Tenure.

Ordered, That one hundred copies of the Report of the Commissioners appointed to inquire into the Feudal and Seignorial Tenure of Lands, in Lower Canada, and of the Appendix accompanying the same, be printed in each of the English and French languages, for the use of the Members of this House.

Jury Bill.

A Bill for the consolidation and amendment of the Laws relative to Jurors, Juries, and Inquests, in that part of this Province formerly called Upper Canada, was, according to order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Thursday next.

Party Procession Bill.

A Bill to restrain Party Processions, in certain cases, was, according to Order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee. Mr. Hopkins took the Chair of the Committee,²

MR. H. SHERWOOD asked, whether the bill would affect the National Societies?³

MR. BALDWIN replied, not unless they carried banners likely to provoke religious feuds.⁴ The bill included societies exhibiting flags and emblems, and accompanied with music, calculated to excite irritation and bad feeling in the community, and lead to breaches of the peace.⁵ He was desirous of putting down all processions likely to provoke a breach of the peace, by the use of offensive weapons.⁶ ((He added that)) the words of the act before them are the words used in the Imperial measure passed upon the same subject.⁷

MR. BOULTON inquired, whether the bagpipes were an offensive weapon. (Laughter.)⁸

MR. HOLMES thought that the National Societies should be exempted from the action of the bill, as they are not of a character to lead to breaches of the peace, but meet in the greatest harmony.⁹

Hon. MR. BALDWIN said that the words in the bill are general, but he did not think they were so general as to include these.¹⁰

MR. ((HENRY)) SHERWOOD thought there was a necessity of wording the bill explicitly, as there might be modes of avoiding the law, if it were not explicit; for example, in Toronto there was a St. Patrick's Society, and a St. Patrick's Benevolent Society. These societies had processions at stated periods, and displayed emblems offensive to some¹¹. The latter ... carried banners offensive to a great many who belonged to the former, which was the parent society.¹² These societies, therefore, should come within the meaning of the law, and if the words of the bill be not explicit enough, let other words be used.¹³

Hon. MR. BALDWIN would certainly put down the National Societies if they produced bad effects.¹⁴ He would abolish every society that tended to produce that irritation which the bill aimed at suppressing, whether it was named the St. Patrick's or the St. Patrick's Benevolent Society.¹⁵ If the St. George and St. Patrick Societies, by exhibiting a rose or shamrock, produced bad feeling and irritation, and led to breaches of the peace, he would put them down as well as others. But it appears that the societies referred to by the hon. member for Montreal have not that effect. If these societies in Toronto, in their practical effect, produce that irritation in public feeling which we all deprecate, if they lead to breaches of the peace, and the use of fire arms--they ought to be put down. The peace must be preserved, and harmony and good feeling promoted as far as possible; and all societies, whose practical effect is to destroy this, came within the range of the

present bill.¹⁶

DR. DUNLOP said there was no one more sensible of the evils of such societies than himself; but he would suggest whether they were not decaying in this Province. He knew the irritation, and bad feeling which they produced in society, and regretted it. He had been a Magistrate for 16 years, and he had assisted as far as he could in putting them down. He thought, however, that this might be done in a different way from that proposed in this bill. It was plain that the Orange Societies were those aimed at, and he thought if the Governor General remonstrated with them upon the impropriety of perpetuating such institutions in this country, they would put an end to whatever they may be in other countries. Orange societies cannot be good here; they are ruinous to the peace of the community without serving any one good end. But he did think that there might be a better way found of suppressing them, for it was a dangerous thing to make people think that they were made martyrs of, and they would be found ready to take that course and strive to appear as persecuted.¹⁷

Hon. MR. BALDWIN said that upon a former occasion the panacea recommended by the hon. member for Huron had been tried, and it proved a failure.--When the bill upon the subject of Orangeism was passed in the Imperial Legislature, the resolutions adopted were sent out to the Colonies, and at that time Sir George Arthur addressed a letter to those connected with these societies, urging the wishes of the Imperial Government, but it was unattended to. Instead of this having a tendency to diminish the evil complained of, it appears by statements which he saw lately in the professed organ of these societies, that, throughout the Colonies, they are rapidly upon the increase.--Whether they are increasing or not in other colonies, is a question with which this committee have nothing to do; but that they are not required in Canada, all appear to be agreed,--there seems to be no dissenting voice upon this point. When it was considered that the former plan had failed--that the Government were long and loudly called upon by the public press to take up the subject (and certainly the affairs of the last 12th of July were well calculated to show the necessity of doing so,) and when they saw the boasts of their organ, that they were upon the increase, he considered the Government called upon to introduce some measure that might have a tendency to do away with the evil. He had no wish to irritate any party; but when the mild plan had failed, he felt called upon to introduce the present measure, hoping it would have the desired effect in putting an end to all processions and societies injurious to that peace and harmony, which all desired to see subsisting in the community.¹⁸

MR. ((HENRY)) SHERWOOD admitted the evil of party processions, and that they ought to be put down. The displays of party feelings and

party tunes were uncalled for, and if the hon. Attorney General would confine himself to the suppression of these, he would go with him; but if he went a step farther and interfered with the natural rights of the subject, then he would oppose him,¹⁹ ((for)) if one party was to be sacrificed and another cherished, the very reverse ((of the object of the bill)) would be produced.²⁰

The first clause of the bill now passed the committee.²¹

The second clause was read.²²

MR. DUGGAN said that the Attorney General ought also to allow the right of appeal from the decision of one or two Magistrates. He acceded to the general principle of the bill. It was well known that he (Mr. Duggan) had a desire to restrain all party processions having a tendency to excite bad blood. He concurred in the principle, but he thought it dangerous to give the Magistrates the power of determining a question that ought more properly to be determined by the Court of Queen's Bench--a question of such a delicate nature that it might in many cases be difficult to determine as to whether a certain society came within the law. He hoped that those who introduced the measure would have no objection to insert a clause defining it more clearly, so that no difficulty would be felt in the practical operation of the measure. No person can question but it is a deprivation of a certain amount of private liberty, and that protection is required for those that might come within its provisions. As there was no question but the cases arising would be of a party character, it would be well if they were determined, not by the Magistrate, but by a jury in the course of law.²³

Hon. MR. BOULTON was happy to see so much unanimity prevailing with respect to the principle of the bill. Nobody seemed dissatisfied with the proposal to put down party processions. It would be well, however, to recollect that there were more parties than one, and that convictions might take place on the one side as well as the other, and it was very important to determine how the parties were to be convicted, that might come within the law. He would not consent to any final decision being given by one or two Magistrates. They might convict parties not coming within the range of the law. There ought, therefore, to be a power of appeal, and he would suggest that an appeal might be made from the decision of the Magistrate, to the Court of Queen's Bench. It was suggested that an appeal should be granted to the Quarter Sessions. He thought that in cases where the feelings of the people were so much mixed up with the matter, and when there might be one or two partizan Magistrates presiding, that they could be better held at the Court of Queen's Bench upon a writ of certiorari. His plan was suggested for the purpose of obtaining a fair and impartial trial; for in cases where men may feel that their rights have been abridged, it was of the utmost importance that they should feel satisfied that justice had been done

them.²⁴

MR. PRINCE said he liked the bill much and would vote for it. It was a mere transcript of the English law upon the same subject, and if it held good there why should it not do so here? He had two objections to the trial by the Court of Queen's Bench. First, because it was unnecessary; and secondly, because it clogged the proceedings with too much expense. The magistrates could not misunderstand this law, it was so plain and easily comprehended, and if a man should happen to be injured, the law itself is open to him so that he can obtain redress, and discern whether the magistrate has given a right decision. Therefore, looking at all the circumstances of the case, and bearing in mind that no one can be aggrieved without having the means of obtaining redress, he would vote for the bill as it now stands.²⁵

MR. BOULTON supported his former arguments. The magistrates might err, not so much, perhaps, on account of ignorance, as through wilfulness.²⁶

CAPTAIN STEELE--Public opinion pronounced such societies a nuisance. The magistrates he had a higher opinion of, than to think they would act corruptly, or otherwise than afford the Executive, in such matters, an effectual co-operation.²⁷

CAPTAIN WILLIAMS was always of opinion that when one or two magistrates convicted, there should be a right to appeal to the²⁸ Quarter Sessions.²⁹ In this way justice could be done.³⁰

MR. GEORGE SHERWOOD thought the course recommended by the hon. and learned member for Niagara was a good one. He thought it unsafe to allow one or two magistrates to have the decision of the nice questions that might arise from the construction of that act. This House had heard several questions put to the hon. and learned Attorney General, as to the several societies that might come under this act, and he said that it depended upon the effect they produced upon the public. Now this was the nice question left to be decided by the magistrates, and he should be sorry to see it left to their decision. He did not mean to impugn the integrity of the magistrates--they might have every disposition to render an honest judgment, but he did not think they were capable of determining such questions, and for this reason he would give a right to appeal, not only from a decision by two magistrates but also to appeal against all decisions by magistrates, summarily given; and these being his opinions he would feel bound to vote for a clause being inserted in the bill to this effect.³¹

MR. NEILSON objected to restraining of processions in the manner contemplated by this bill. He apprehended that the course taken instead of preventing irritation, would be the means of producing it. If

processions, however, were to be stopped, and the parties to be judged by partizan magistrates, he would certainly vote for a right to appeal.³²

MR. BALDWIN said that the more he had listened to the speeches of hon. gentlemen he found the more difficulty in knowing what mode of appeal they wished for. Upon this they were not agreed themselves. One was for an appeal to the Quarter Sessions, another to the Court of Queen's Bench, &c. There was one difficulty which seemed to him to be in the way of an appeal altogether. It is said to be an interference with the liberty of the subject to cause him to cease from walking in party processions; now if any one convicted under the provisions of the law, and the right of appeal allowed, there would be nothing but appeals, and in this way, instead of irritation and bad feeling being prevented, which it is the object of the Bill to do, the irritation would be promoted. A proceeding having that object in view, should, it seemed to him be summary. His impression at present was, that the appeal would do away with the efficacy of the bill, and would not be consistent with the principle of it.³³

DR. DUNLOP thought the House was unanimous upon the principle of the Bill. The only question that arose was upon the appeal--whether that appeal should be to the Court of Queen's Bench, whether it should be to the Quarter Sessions, or no appeal at all. He thought that the power was so plain that it could not be mistaken--that there was no difficulty in the bill whatever--that no magistrate could have any difficulty in determining what could or was likely to cause a breach of the peace. If, however, there was to be an appeal at all he would protest against an appeal to the Court of Queen's Bench, for it was not every poor fellow that upon being fined £5 for attending an illegal procession, that could pay £20 to enter a suit in the Court of Queen's Bench. He thought the provisions of the bill were strictly and solely applicable to societies for party purposes, and did not interfere with any charitable societies. Their single object was to put down what all men in this House considered a great nuisance. He did not care what insignia any society carried--whether green or orange--that led to a breach of the peace, it was the duty of the conservators of the peace to put them down, and this Bill arms them with that power.³⁴

MR. ((HENRY)) SHERWOOD did not doubt but that an appeal might sometimes be necessary to protect parties unjustly convicted, but they have a means of redress in another way. If the right of appeal were made a part of the Bill it would fill the Court with appeals. But if a magistrate construe the act wrong and convict a person contrary to the provisions of the law, the parties have the power of obtaining redress at the Court of Queen's Bench. He thought, therefore, that the appeal might increase the difficulty of working out the measure.³⁵

MR. GEORGE SHERWOOD thought that the appeal was absolutely necessary, and if it were not given he would consider it his duty to vote against the measure. The magistrates were as much imbued with party feelings as any other portion of the community, and the right of pronouncing a final judgment in such cases as might arise should not rest with them. He objected to the appeal to the Court of Queen's Bench, the course proposed by the hon. and learned member for Niagara--and thought that if the hon. member would consider the matter a little farther, he might perhaps hit upon some better means.³⁶

MR. DUGGAN would impress upon the House the necessity and justice of granting an appeal. The measure itself was an infringement upon the natural liberty of the subject³⁷ ((and)) interfered with the dearest privileges and prejudices of a great body of the people; indeed, with the feelings of some of the most loyal and estimable men in the province, who would consider themselves insulted, trampled upon, and crushed, by not being allowed to carry a banner, commemorative of one of the brightest events in history. Such a bill had never before been brought into the country.³⁸ (Ironical cries of hear, hear.) He warned them not to tamper with the feelings and prejudices of those men--not to insult the tender feelings of men who are the most loyal and devoted subjects to the country. He could inform the House that the magistrates were unfit to determine such questions as those that might come before them--whether considered in point of intelligence, or as to their freedom from party prejudices. In neither of these respects are they qualified; and was this house going to deny to these men the right of trial by jury--a right to which every man was entitled. This Bill was in itself a thing unheard of in this country, making that unlawful which was not hitherto unlawful; and not satisfied with this, you are going to deprive them of a fair trial by a jury of their countrymen. It is unjust--anti-British--and should not be done. It was not his intention to have said any thing upon this point, but to have asked, as a matter of grace, for the appeal, but when he found that this was not going to be given his feelings called upon him to speak. He here moved a clause in amendment. He said this would give the power of appealing to the next Court of Oyer and Terminer, and the effect would be that those who thought themselves aggrieved would have an opportunity of giving the security of two respectable persons to appear at the ensuing assizes, and thus obtaining a just trial by a jury of their countrymen.³⁹

MR. DURAND said that the hon. gentleman who had just sat down, had not shewn any necessity for the appeal, about which he had said so much. He had talked much of the fine feelings of those against which this Bill appeared to be directed--and of the necessity of not tampering with them, but was it not well known that the Societies with which they were connected had been productive of the very worst consequences, and that there was an urgent necessity of putting a stop to their displays unless we were

willing to sacrifice the peace, and happiness of the country. If the Home Government considered it their duty to put an end to them, surely we should follow their example when the evils are as deeply felt here. He did not see any necessity for the appeal required by the hon. gentleman--and the trial by Jury, for surely the Magistrates were capable of determining whether flags were carried and music played of a party, and irritating character.⁴⁰

DR. DUNLOP said it had been assumed by the hon. member for the second riding of York--Mr. Duggan--that a trial by Jury was absolutely necessary for the proper administration of justice. But what was the fact? Many of the courts of justice in England have no trial by Jury--the Court of Chancery has no Jury--the House of Peers has no Jury,--and therefore he (Dr. D.) saw no absolute necessity for it in this case. He must say that he was much pleased with the temper that the House had displayed in the discussion of this question. There was nothing to excite violent passions. We one and all are striving to Legislate for the good of our country, and he hoped that every question bearing upon its interests would be conducted in a proper spirit. Mr. Chairman, the meaning of the present Bill is simply to put down Orange processions; and none could appreciate more fully than he did the advantages gained by the glorious revolution of 1688--or condemn more fully the profligate reign of the last of the Stuarts,--no family perhaps suffered more than his did by banishment, imprisonment and death--but when processions got up in commemoration of such events are unsuited to the condition of society, and calculated to produce irritation and bad feeling, it is the duty of the legislature to put a stop to them. Now suppose instead of an Orange Society you established a Cumberland Society in commemoration of the Duke of Cumberland who beat the rebels in 1745, and go into the Highlands of Scotland, he was much afraid they would get their heads broken; and who would say that it would be proper to let such a thing producing irritation and perhaps murder go on. We had gained a great deal by the revolution of 1688, and therefore he had no hostility to the principle of the institution, but when it is made a party question, and the peace broken, then in God's name let it be put down.⁴¹

MR. MOFFATT said that there was a general feeling in favour of preserving the liberty of the subject, and it was a very proper one. When he saw the House so divided upon the subject of an appeal, one party objecting to it, and another enforcing the necessity of it, he thought the best course was to move that the committee rise, report progress and ask leave to sit again. He was himself in favour of an appeal.⁴²

MR. CHILD said he had listened with a great deal of pleasure to what had been said by hon. members in this debate. Such unanimity in

support of the principle of the Bill, he did not expect, and he considered it a sure indication of that public sentiment which ought to prevail, and which he hoped would prevail throughout the Province; and without the aid of which, any law that might be passed for the suppression of such processions, would be quite useless. He could not see the necessity of an appeal from the decision of the Magistrate. Persons assembled, and forming these processions for the purposes of violence and outrage, should be treated as wrong doers, disturbers of the peace. The Magistrate was the public guardian of that peace; and must he be placed on a level with the rioter, in the eye of the Law? He thought not. Hon. members seem to have overlooked (except the hon. member from Toronto, Mr. Sherwood,) the fact that the Magistrate acts, now, under a property qualification--which affords ample guarantee to any person who might be arbitrarily and unlawfully punished. An appeal to the Queen's Bench, as desired by some hon. members would entirely defeat the object the Bill is intended to accomplish; and therefore, he (Mr. Child) could not support the amendment proposed by the hon. member from the 2nd Riding of York.⁴³

MR. CARTWRIGHT did not think that the mere circumstance of a man having the power of obtaining redress by Law, if a Magistrate would convict him unjustly, was a sufficient safeguard. It was but little satisfaction to a man after he has been incarcerated, and punished, to tell him that he may obtain redress. It would be better to make some provision for preventing undue convictions. He did not look upon the Bill now before the House as a party measure, and strictly confined to orange associations, other Societies, in his opinion, were embraced as well as them. Neither were the provisions of the Bill confined to one section of the Province, but to both, and it did appear to him, taking all the circumstances into account, that there should be as a matter of right, an appeal. This may be made so that none can take advantage of it unless there be good grounds for his doing so, and if he be convicted upon plain and satisfactory grounds let him be punished. He did think, in such case as the present, where an offence was created by law, which was not before an offence, that there should be an appeal from the decision of the Magistrate, who might himself be a party man.⁴⁴ Asked ((Mr. Cartwright)), with what kind of justice ((could)) an appeal ... be allowed, in a case of a trifling fine, when it was resisted where a month's imprisonment could be awarded, as in the present bill? He was decidedly in favour of the amendment.⁴⁵

MR. BOULTON repudiated the idea that every party convicted by two magistrates must be guilty, otherwise they (the magistrates) would be the only men in existence whose judgment was infallible. As to the qualification of magistrates being a sufficient guarantee, that could easily be answered, as however wealthy a magistrate might be, it would

under any circumstances be not an easy matter to get a verdict against him. Besides, should a magistrate err through ignorance, he could not be punished according to law. It must be proved that he acted corruptly, otherwise, he could not be liable for an error in judgment.--With respect to the right of appeal, allowing persons instantly to go at large, and again join a procession, that could not be, as it would require time to investigate the matter, and in the mean time, the procession would be at an end.⁴⁶

MR. PARKE said the great object of the bill before the House was to restrain party processions--the measure was similar in its provisions to one which was passed in England; and the result there has been to put an end to them. But the punishment inflicted upon those transgressing the law, should be summary, if they wished the proper effect to be produced.--He would, therefore, give his voice against the appeal.⁴⁷

MR. NEILSON thought that all their proceedings should be founded in justice, for if they proceeded by the exercise of arbitrary power to put down these societies, the irritation so much complained of instead of being diminished, would be increased. There was no instance in history to shew that such things could be put an end to by stringent or arbitrary proceedings.⁴⁸

MR. BOSWELL thought it might be well for the committee to take time before they would come to a conclusion; and that as Thursday was the day for considering the other bill, if this one was postponed till then, perhaps some plan might be discovered for giving the power of appeal. This was a question which created much feeling in the country, and it ought to be as little oppressive to any party as possible. These societies were undoubtedly injurious to the peace of society; the members of this House appear to be unanimous in their wish to put them down; and if it be thought necessary to do so, he would agree to it; but it would not be necessary that there should be no right of appeal. He would support the appeal, so that an aggrieved person might have a full opportunity of obtaining justice; and this he could do without denying the utility of the measure before the House.⁴⁹

MR. SHERWOOD said that it appeared to him now, after hearing the subject debated, and the arguments that had been advanced, that the constitutional right of appeal should not be denied: but he did not see that the proper mode of appeal had yet been hit upon. He looked upon the measure as affecting not one, but every portion of the community; and it was on this account that he concurred in the general principle of the bill. He had seen many parties perambulating the streets with flags and music, equally, if not more offensive

than those who seemed to be more especially aimed at; and he supported the principle of the bill with a view that it would apply to all societies.⁵⁰

MR. L.M. VIGER had always been opposed to the exercise of arbitrary power, and he hoped he would always be so. He was surprised that any person would look upon it in that light, considering the object they had in view, in putting an end to processions that had exercised such a bad influence upon society, and lead to events which they must all deplore. He thought if the exhibition even of the sacred emblem of our religion was calculated to produce bad feeling in the community, and lead to rioting and the perpetration of the crime of murder, that it would be the duty of the Legislature to put a stop to its being displayed. He confessed that if anything would convince him that there should be an appeal, it was the speech of the hon. gentleman who had just sat down. That honorable gentleman commenced by opposing it, and had concluded his last speech by arguing in its favour. He thought that a Magistrate, by a summary mode of punishment, could best accomplish the object contemplated by the bill.⁵¹

MR. ((HENRY)) SHERWOOD.- The hon. gentleman had said that he (Mr. S.) had convinced him that there should be an appeal. Now, if he (Mr. S.) by the arguments he had heard had changed his mind, it was a thing he had a perfect right to do, without being charged with any inconsistency, or of having acted in any way improperly.⁵²

Hon. MR. BALDWIN said, that of course he did not desire to pass this Bill, or any other Bill hastily through the House, but he must say that the arguments he had heard used were not sufficient to convince him of the necessity of the appeal. He might, however upon further reflection see it in another light. What he would propose to the committee was, to go through the clauses of the Bill, and then when the report comes in on Wednesday or Thursday, let the amendment if it be found necessary to have it, be introduced and the Bill re-committed. Of course if he remained of the same opinion, and the House sustained him in it, he would not consent to any alteration. Perhaps, however, some means might be discovered consistent with the principle of the Bill, to remedy what was complained of.

((He)) then moved that the committee rise, report progress, and ask leave to sit again on Wednesday.⁵³

(66)

*and, after some time spent therein,
Mr. Speaker resumed the Chair,
And Mr. Hopkins reported that the Committee had made some progress,
and had directed him to move for leave to sit again.*

Ordered, That the said Committee have leave to sit again on Wednesday next.

Secret Societies'
discouragement
Bill.

A Bill for the discouragement of Secret Societies, was, according to Order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House on Monday next.

Public Meetings
Bill.

A Bill to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat, was, according to order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Harmannus Smith took the Chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Harmannus Smith reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Agricultural Du-
ties Bill.

The Order of the Day for the second reading of the Bill to impose Duties on Agricultural Produce and Live Stock imported into this

Province, being read,

The Honourable Mr. Black moved, seconded by the Honourable Mr. Neilson, that the said Order of the Day be discharged, and that the said Bill be read a second time this day six months.⁵⁴

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BLACK, FORBES, HAMILTON, LESLIE, MOFFATT, NEILSON, D.B. VIGER, and L.M. VIGER, (8)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, CARTWRIGHT, CHILD, CHRISTIE, DE WITT, DUGGAN, DUNN, DURAND, GILCHRIST, HALE, HINCKS, HOLMES, HOPKINS, JUDAH,

KILLALY, LAFONTAINE, D. McDONALD, J.S. MACDONALD, MERRITT, MORIN, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, HENRY SMITH, HARMANNUS SMITH, G. SHERWOOD, H. SHERWOOD, STEELE, THOMPSON, THORBURN, TURGEON, WAKEFIELD, WATTS, and WILLIAMS, (44)

So it passed in the Negative.

The said Bill was then, according to Order, read a second time.
Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

(67)

Mr. Hamilton took the Chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hamilton reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it will be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Common Schools.

The Order of the Day for the House in Committee to consider the expediency of repealing the Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, "An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province," and of substituting other provisions in lieu thereof being read,

The House accordingly resolved itself into the said Committee.

Mr. Powell took the Chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Powell reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the Act, passed in the first Session of the present Provincial Parliament, intituled, "An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province."

Then, on motion of the Honourable Mr. Viger, seconded by Mr. Boswell,

The House adjourned.

APPENDIX, 23 OCTOBER, 1843.

((QUESTION AND ANSWER RE: MONEY GRANTS FOR MACADAMIZED
ROADS.))⁵⁵

MR. DURAND inquired, whether the Government intended to recommend a grant this session, for a macadamized road from the district of Gore to the district of Wellington?⁵⁶

MR. HINCKS--No, the Government did not intend to do any such thing.⁵⁷

FOOTNOTES - 23 OCTOBER 1843.

1. According to the KINGSTON CHRONICLE, 25 October 1843, it was Baldwin rather than Boulton who made this motion, and the dates involved were slightly different: "HON. MR. BALDWIN gave notice of a motion that an humble address be presented to His Excellency the Governor General, praying that he will cause to be laid before the House a statement of all the Harbour dues collected at the Port of Toronto between the years 1833 and 1843." It will be noted that the KINGSTON CHRONICLE mistook the motion for a notice of a motion.
2. The debate on this matter was reported in: BRITISH COLONIST, 27 October 1843, in an account identical to that of MONTREAL GAZETTE, 27 October 1843; KINGSTON CHRONICLE, 25 October 1843, in an account identical to that of EXAMINER, 1 November 1843; L'AUREOLE, 26 October 1843; and MONTREAL GAZETTE, 26 October 1843.
3. BRITISH COLONIST, 27 October 1843.
4. IBID.
5. KINGSTON CHRONICLE, 25 October 1843.
6. BRITISH COLONIST, 27 October 1843.
7. KINGSTON CHRONICLE, 25 October 1843.
8. BRITISH COLONIST, 27 October 1843.
9. KINGSTON CHRONICLE, 25 October 1843.
10. IBID.
11. IBID.
12. BRITISH COLONIST, 27 October 1843.
13. KINGSTON CHRONICLE, 25 October 1843.
14. IBID.
15. BRITISH COLONIST, 27 October 1843.
16. KINGSTON CHRONICLE, 25 October 1843.
17. IBID.
18. IBID.
19. IBID.
20. MONTREAL GAZETTE, 27 October 1843.
21. KINGSTON CHRONICLE, 25 October 1843.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. BRITISH COLONIST, 27 October 1843.
27. IBID.
28. KINGSTON CHRONICLE, 25 October 1843.
29. BRITISH COLONIST, 27 October 1843.
30. KINGSTON CHRONICLE, 25 October 1843.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.

37. IBID.
38. BRITISH COLONIST, 27 October 1843.
39. KINGSTON CHRONICLE, 25 October 1843.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. BRITISH COLONIST, 27 October 1843.
46. IBID.
47. KINGSTON CHRONICLE, 25 October 1843.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. MONTREAL GAZETTE, 26 October 1843, and BRITISH COLONIST, 27 October 1843, give a summary of this measure. BRITISH COLONIST reports that: "In filling up the blanks, the meat made from the cattle and swine imported under the bonding clause is to be delivered up to the collector at the warehousing port within sixty days after the cattle &c. has been imported, - to be put under the lock of the Crown. The act to expire January 5, 1844."
55. The following was reported in: BRITISH COLONIST, 27 October 1843, and MONTREAL GAZETTE, 27 October 1843, in identical accounts.
56. BRITISH COLONIST, 27 October 1843.
57. IBID.

TUESDAY, 24 OCTOBER 1843.

(67)

Upper Canada Bank. MR. SPEAKER laid before the House a General Statement of the Affairs of the Bank of Upper Canada, received in conformity to an Order of this House, of the 6th October instant.

(For the said General Statement, see Appendix Y.)

Two Petitions
brought up.

The following Petitions were severally brought up and laid on the table:

By Mr. D. McDonald--The Petition of Alexis Chandler, of the Township of Caledonia, in the District of Ottawa.

By Mr. J. S. Macdonald--The Petition of William Fraser and others, Inhabitants of Breadalbane, Glengarry.

Report on Petition
of E.M. Leprohon,
and others.

Mr. Holmes, from the Special Committee to which was referred the Petition of E.M. Leprohon and others, Inspector and Assistant Inspectors of Pot and Pearl Ashes, of the City of Montreal; and the Petition of the Montreal Board of Trade, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee having considered the subject in its various bearings, cannot recommend any deviation from the regulations for the Inspection of Ashes now in force; and therefore cannot support the prayer of the Petition of the said E.M. Leprohon and others."

Bill to prevent
obstructions in
Rivers.

Mr. Thompson, from the Special Committee to which was referred the Bill to prevent obstructions in Rivers and Rivulets in Upper Canada, reported that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's table.

Ordered, That the said Bill and report be referred to a Committee of the whole House, on Tuesday next.

Preservation of
Deer & Game Law.

On motion of Mr. Prince, seconded by the Honourable Mr. Sherwood,

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of repealing an Act of the late Province of Upper Canada, intituled "An Act to amend an Act passed in the fourth year of

the Reign of His late Majesty, King George the Fourth, intituled 'An Act for the preservation of Deer within this Province,' and to extend the provisions of the same, and to prohibit hunting and sporting on the Lord's Day," and of passing an Act for the preservation of Game within the Province of Canada, and to prevent hunting and shooting at improper seasons of the year.

Usury Laws.

The Honourable Mr. Sherwood moved, seconded by Mr. Prince, that a Select Committee, composed of the Honourable Mr. Hincks, the Honourable Mr. Harrison, Mr. Leslie and Mr. Merritt, be appointed to consider the effect of the Laws which regulate or restrain the interest of money, and to report thereon with all convenient speed, with power to send for persons, papers, and records.¹

M. BALDWIN s'opposa de la part du ministère à l'introduction de cette mesure.²

L'hon. MR. MORIN confirma l'opposition faite par son confrère ministre.³

M. ((HENRY)) SHERWOOD supporta sa motion de son mieux⁴.

MR. BOULTON fit de son mieux pour le réfuter⁵.

MR. HINCKS said, that his opinions with regard to the Usury laws, were well known - he would like to see them swept from the statute book. They prevented money from coming into the country; though (with regard to their utility) they were evaded every day, and money borrowed at a high rate of interest. Thus the legal interest was not only obtained by the lender, but an additional per centage, under the assumed plea of an equivalent for the risk run in violating the law; in addition to which, there were other vexations connected with the operation of the law, in the shape of costs and charges, in various ways, which made it still more burdensome. He (Mr. Hincks) could see no reason to object to going into committee, as from facts that might be adduced, the real effect of those laws might be ascertained.⁶

MR. MOFFATT made some remarks about Montreal being represented as being indebted to and dependent upon Upper Canada - treating such opinions as absurdities. He supported the motion.⁷

M. DURAND lui, n'y entendait rien⁸.

MR. STEELE ((n'y entendait)) pas grand'chose⁹.

L'hon. M. VIGER s'y opposa ... il cita la chûte, de la République

Romaine, et la ruine de l'Alsace en conséquence de mesures pareilles; il observa que notre état de société s'y opposait, qu'il différait essentiellement de celui d'Angleterre où l'on n'engageait pas la terre en empruntant de l'argent à l'intérêt, mais qu'ici où le cas contraire existait, c'était un moyen de dépouiller le propriétaire agriculteur en faveur duquel on feignait pourtant de tant parler; il ajouta quelques autres remarques pour établir une distinction que les économistes politiques ne font pas assez: c'est à dire que l'argent, pris, dans son terme absolu, n'est pas marchandise, mais d'une manière relative seulement, et qu'il n'en était qu'un signe représentatif, puisqu'il fallait des lois pour y donner sa valeur relative d'après le tems et les circonstances. Il couronna en disant ... que c'était un moyen de dépouiller le misérable et le pauvre ignorant sur les misères duquel le riche cruel et usurier n'aurait pas honte de spéculer¹⁰.

MR. HOLMES remarked, that although six per cent was the legal rate of interest he knew a much higher rate was obtained. He was of opinion that every man ought to be allowed to do as he thought proper with his money, and that it should be regarded as an article of commerce, as much as wheat or flour, or any other article. The present law, as it now stood, operated injuriously against the farmer, as in a case of emergency, or to raise money for improvements, it prevents him from getting a mortgage on his farm, and compelled him, in order to accomplish his object, to sell his produce at a ruinous loss; or, if he did borrow money, it was through a third person, which raised the rate of interest to an extravagant height.¹¹

M. PRINCE ... ((a)) soutenu la motion¹².

MR. CHILD considered, although he had for a long time been opposed to any alteration in the law, that the time had arrived, when it might be repealed, with great advantage to the country.¹³

MR. NEILSON doubted whether, through a committee, any more knowledge could be obtained upon the subject, than they possessed at present. The only effect produced by the inquiry, might be to unsettle men's minds.¹⁴

MR. HARRISON said, that in England, where money was so plentiful, such laws must be a great nuisance. They had been got rid of in other

countries, by degrees; and he hoped that would be the case in this country. He would support the motion for an inquiry. Money might be said not to be an article of commerce; but capital was, it having a value in every sense; and the repeal of the Usury laws would be the means of introducing it.¹⁵

M. HINCKS ... ((a ajouté)) à ce dernier argument que les loix contre l'usure telles qu'elles existaient aujourd'hui n'avaient qu'une tendance immorale sans avoir l'effet d'arrêter le mal qu'elles contemplaient de réprimer.¹⁶

(67)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs. BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHESLEY, CHILD, DERBISHIRE, DUGGAN, FORBES, HALE, HAMILTON, HARRISON, HINCKS, HOLMES, JONES, JUDAH, MOFFATT, MOORE, PARKE, PRICE, PRINCE, G. SHERWOOD, H. SHERWOOD, STEELE, THOMPSON, WAKEFIELD and WILLIAMS. --(27.)

NAYS.

Messieurs. ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT BOULTON, CHRISTIE, DE WITT, DURAND, POSTER, FRANCHERE, GILCHRIST, HOPKINS, LAFONTAINE, LESLIE, D. MCDONALD, MERRITT, MORIN, NEILSON, NOEL, PAPINEAU, POWELL, QUESNEL, SMALL, HARMANNUS SMITH, TACHE, TASCHEREAU, THORBURN, TURGEON, D.B. VIGER, and L.M. VIGER. --(31.)

So it passed in the negative.

MR. THORBURN moved for an address to his Excellency, for a copy of the report of the commissioners appointed to inquire into the working of the Court of Chancery, from 1841 to 1843, inclusive, with the view of arriving at the delay so loudly complained of, the number of suits, the costs, &c.¹⁷

MR. BALDWIN stated, that no report had as yet been made by the commissioners; but that an inquiry was going on, and that the information should be forthcoming as soon as possible. The court, he observed, however, could not be blamed for all the delay connected with it; although it was for the general benefit, that the business of it should proceed as expeditiously as possible. He trusted that the commissioners would make their first report, this session, which would be one step towards accomplishing the desired object.¹⁸

MR. BOSWELL ((suggested)) the motion ... ((be)) worded, so as to read, "all suits pending January, 1841 to 1843," &c.¹⁹

(67)

Court of Chancery.

On motion of Mr. Thorburn, seconded by Captain Steele,

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Report of the Commission of Inquiry into the practice of the Court of Chancery, together with the number of suits depending in the said Court of Chancery, in Upper Canada, on the first of January, 1841, and those since instituted to the first of January, 1843; the state in which they now are; with the names of the Litigants, and the time at which any or such of the same were disposed of; naming the party gaining the suit; together with the costs or final judgments, as taxed by the proper Officer.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

(68)

Imprisonment for Debt.

Ordered, That the Honourable Mr. Boulton have leave to bring in a Bill to abolish Imprisonment for Debt, and for the punishment of fraudulent Debtors.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Tuesday next.

Election County of Russell.

On motion of the Honourable Mr. Sherwood, seconded by Mr. Noel.

Ordered, That Tuesday next be appointed for the interchange of Lists of Witnesses between the Petitioners and the Sitting Member, upon the subject of the contested Election for the County of Russell.

Members wages.

Mr. Thorburn moved, seconded by Mr. Merritt, that a Special Committee of seven Members be appointed to consider the propriety and justice of returning to certain Districts in Canada West, certain sums of money paid by them into the Provincial Treasury on account of Members' wages, for the first Session of the present Parliament²⁰.

MR. THORBURN. The hon. mover stated that he was induced to adopt this course, in consequence of the very partial manner in which this tax had been levied; only eleven districts, in the Upper Province, out of twenty, having paid the tax, either all or in part; while the re-

maining nine had contributed nothing.²¹ ((Il a)) remarqué, dans le cours de ses observations, que le Bas-Canada n'avait rien payé.²²

MR. HINCKS explained his opposition to the motion.²³

L'hon. MR. LAFONTAINE ... ((observa)) qu'il n'avait pas d'objection à ce que ces deniers redemandés suivant la motion, mais qu'il n'aimait pas ainsi à entendre dire que le Bas-Canada n'avait rien payé, quand l'union parlait si différemment sur le sujet.²⁴

MR. ((HENRY)) SHERWOOD se leva un peu piqué de la réputation d'illibéralité que la motion de Mr. Thorburn venait de faire au Haut-Canada.²⁵

(68)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs CAMERON, CHESLEY, DUGGAN, J.S. McDONALD, MERRITT, MOFFATT, POWELL, HARMANNUS SMITH, THOMPSON, and THORBURN.--(10.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DE WITT, DUNN, FORBES, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, HOPKINS, JUDAH, KILLALY, LAFONTAINE, LESLIE, D. McDONALD, MOORE, MORIN, NEILSON, NOEL, PAPINEAU, PARKE, PRINCE, QUESNEL, SMALL, G. SHERWOOD, H. SHERWOOD, STEELE, TACHE, TURGEON, D.B. VIGER, L.M. VIGER, and WATTS,--(44.)

So it passed in the Negative.

Seminary Quebec.

Ordered, That the Honourable Mr. Neilson have leave to bring in a Bill to authorize the

Superior and Directors of the Seminary of Quebec, to acquire and hold a certain amount of property in addition to that now held by them.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Cayuga Glass Company.

On motion of Mr. Merritt, seconded by Mr. Thompson,

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of reviving an Act passed in the Parliament of Upper Canada, intituled "An Act for incorporating certain persons therein mentioned and their Associates, under the Style and Title of the Cayuga Glass Manufacturing Company."

La Banque du
Peuple.

Ordered, That Mr. Quesnel have leave to bring in a Bill to incorporate certain persons, carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Contingencies.

Mr. Thorburn, from the Standing Committee on Contingencies, presented to the House the second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

"Your Committee have, since their last Report, extended their inquiry into the various sources of expenditure connected with Your Honourable House:--among which the subject of the compilation of the Indices for the Journals of the Houses of Assembly, of the late Provinces of Upper and Lower Canada, which were ordered by Your Honourable House, as per the following Resolutions of the 8th September, 1841, viz:--

"Resolved, That it is expedient to authorise the Clerk of this House to cause a general Index to be made to the Journals of the House, of Assembly, of the late Provinces of Upper and Lower Canada."

"Resolved, That the Speaker of this House be authorised to advance, from time to time, to the Clerk of this House, out of the Contingent funds of this House, such sum or sums of money as he shall deem necessary to facilitate the work."
was the first upon which they entered.

Your Committee in reference to such works, called before them Mr. Wicksteed, the Law Clerk, who gave an estimate of the amount required to complete that undertaking, and of the moneys already paid by the Clerk on account of the same: which is as follows:--

	For <u>U. Canada</u>	For <u>L. Canada</u>
Paid by the Clerk on account of the work.....	£ 105	£ 160
Now due as per accounts fur- nished.....	237	302

Will be required to complete		
Manuscript.....	342	462
For superintending Printing		
of do.....	172	<u>240</u>
Total for <u>Lower Canada</u>		1164
Total for <u>Upper Canada</u>		<u>856</u>
Making a total, for the man-		
uscripts of both works, of.....		2020
Add, for translation.....		800
For Printing, <u>Upper Canada</u>		1000
For do. <u>Lower Canada</u>		<u>1500</u>
Total expense, when com-		
pleted.....		£5320

Your Committee, considering the above as a low estimate, have a right to suppose, even a larger sum may be required; but taking the supposition that the above may complete the undertaking, feel it their duty most strongly to urge the discontinuance of the same on the plan originally contemplated by the Order of the House.

The accounts of Alfred Todd and Alpheus Todd, as connected with this work, have been laid before Your Committee, viz:

By <u>Alpheus Todd</u> , during the two last recesses, is charged for his services			
620 days, at 15s. per day.....	£462	2	6
Less, paid by the Clerk, on account.	<u>160</u>	<u>0</u>	<u>0</u>
Balance claimed.....	<u>£302</u>	<u>2</u>	<u>6</u>

By <u>Alfred Todd</u> , during the same pe-			
riod, 457 days, at 5s. per day....	£342	15	0
Less, paid on account by the Clerk..	<u>105</u>	<u>0</u>	<u>0</u>
Balance claimed.....	<u>£237</u>	<u>15</u>	<u>0</u>

(69)

Contingencies.

Your Committee do not find any order of Your Honourable House to warrant the charge of 15s. per day, but they (the claimants) however state to the Committee, that such an understanding took place before entering upon the work. And Your Committee, from information derived from Mr. Parent's letter annexed, are inclined to think that the claimants were given to understand, during the progress of the work, that such would be the case. If their present accounts be allowed, they will receive each, for

their individual time in the service of the House, from the first day of this Parliament (14th June, 1841), to the commencement of the present Session (a period of two years and three months and a half):--

By <u>Alpheus Todd</u> , as Deputy Librarian.....	£ 229	0	0
For making proceedings of last two Sessions.....	12	10	0
Charge for Index up to present Session.....	462	2	6
Total.....	£ 703	12	6
By <u>Alfred Todd</u> , as Extra Clerk....	£ 244	10	0
Charge for Index to present Session..	342	15	0
Total.....	£587	5	0

Your Committee are, therefore, of opinion, that the work of making the Indices, at so expensive a rate, ought not to be continued; and forbear from recommending the payment of the sums claimed--but would respectfully recommend that the said Alfred Todd and Alpheus Todd be added to the permanent establishment, as Junior Clerks, the former at a salary of £200, and the latter at £150 per annum, their time during the recesses to be occupied solely with the Indices until they are completed; after which, at such other work as may be directed. And Your Committee further recommend that as a consideration for their past extra services in relation to the Indices, that their salaries be allowed them from the commencement of this Parliament, which must include any sums received by them, as salary or allowance during that period. Upon this recommendation Your Committee would also suggest that the situation of Assistant Librarian be abolished, as no longer required, but that Alpheus Todd do attend in the Library during each Session as at present.

Your Committee, in conclusion, recommend that the translating, printing, &c., of the Indices, be dispensed with, and that the works, when completed in manuscript, be neatly bound and deposited in the Library for reference.

Upon the subject of expenditure attendant upon the office of Clerk to Your Honourable House, Your Committee beg to suggest certain alterations, with a view to economy. By the 89th Rule, the hours of attendance are particularly defined. Your Committee would recommend that the day for all temporary Clerks and Writers be regulated in

conformity therewith, and that any other rule, regulating the hours of their attendance, be dispensed with; and also that the maximum allowance to such be limited to ten shillings per day, while, at the same time, an intimation should be given to that class of employees, that, in future, no allowance would be made, except to those expressly summoned to attend by the Clerk--that the contingent fund may not, in future (as hitherto it has been), be drained by placing a host of Assistant Writers upon pay at the opening of a Session, when, in fact, there was no employment.

Contingencies.

Under this arrangement, Your Committee would respectfully recommend the employment of three additional permanent Clerks, viz: Alfred Todd, Thaddeus Patrick and Alpheus Todd, the former at a salary of £200, and the others at £150 per annum each. Your Committee would recommend, that, in addition to this salary, Alpheus Todd be allowed £50 per year, from the commencement to the completion of the Index at which he has been engaged. This arrangement would supersede the expense now complained of for extra hours--and that the Clerk of Your Honourable House should be instructed to dispense with as many temporary writers as possible, and to employ such supernumeraries only as the actual business required, and that no allowance for extra hours or extra services be in future admitted. If, however, another permanent Clerk should be required, which Your Committee think may, probably, be the case, they recommend that J.E. Moraud (at present engaged as an extra Writer) be the person selected, also at a salary of £150 per annum.

Upon the subject of payment to Witnesses, summoned to give evidence before Select Committees, Your Committee would recommend the allowance of 10s. per day, with a reasonable allowance for travelling expenses, and that it be paid by the Clerk out of the Contingent Fund, upon the certificate or order of the Chairman of the Committee, before whom such evidence may have been given."

Executive Council Office,
23d October, 1843.

SIR,

In answer to your note of this day, respecting the result of the deliberations of the Committee of last Session, on the subject of the Indices to the Journals to the late Houses of Assembly of Upper and Lower Canada, I have the honour to inform you, that, on account of the shortness and sudden close of the Session, I could not have a single regular meeting of the Committee, but it was understood between

the individual members thereof, that Mr. Lindsay should continue to employ Messrs. Todds, allowing them, as the work was going on, such remuneration as he thought reasonable, leaving such further allowance as they might be entitled to, at the completion of the work, to be settled by the House.

I may add, that on Mr. Lindsay wishing to know from me what I would consider to be a reasonable allowance during the progress of the work, I told him, if I remember well, that three dollars a-day would be very fair.

I have the honour to be,
Your obedient servant,

E. Parent.

D. Thorburn, C.C.C.

Orderly holding of
Public Meetings.

Mr. Harmannus Smith, from the Committee of the whole House, on the Bill to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.
Ordered, That the said Bill, as amended, be engrossed.

Duties on Agricultural Products.

Mr. Hamilton, from the Committee of the whole House on the Bill to impose Duties on Agricultural Produce and Live Stock, imported into this Province, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.
Ordered, That the said Bill, as amended, be engrossed.

(70)

Steam Vessels.

A Bill to regulate Steam Vessels in this Province, was, according to order, read a second time.

Resolved, That the said Bill be referred to a Select Committee composed of Mr. Hale, Mr. Armstrong, Mr. Quesnel, the Honourable Mr. Sherwood and Mr. Cameron, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Lying-in Hospital,
Montreal.

A Bill to Incorporate the Ladies of the Committee of Management of the Montreal Lying-in

Hospital, was, according to order, read a second time.
Ordered, That the said Bill be engrossed.

Illegitimate Children. The Order of the Day for the second reading of the Bill to make provision for the support of illegitimate children, being read,²⁶

Ordered, That the said Order of the Day be discharged.

Registry Laws. A Bill to alter and amend the Registry Laws of that part of this Province which was formerly Upper Canada, was, according to order, read a second time.
Resolved, That the said Bill be referred to a Select Committee, composed of the Honourable Mr. Sherwood, the Honourable Mr. Attorney General Baldwin, and Mr. Prince, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Niagara & Gore District Boundary Line. A Bill to amend the Act relating to the Boundary Line between the Niagara and Gore Districts, was, according to order, read a second time.

Ordered, That the said Bill be engrossed.

Debtors Detention. The Order of the Day for the House in Committee on the Bill to provide for the detention and conveyance to Gaol of Debtors, in certain cases, within Canada West, being read,

Ordered, That the said Order of the Day be discharged.

Resolved, That the said Bill be referred to a Special Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Thompson, Mr. Cartwright, the Honourable Mr. Boulton, Mr. Boswell, and Mr. Thorburn, do compose the said Committee.

Religious Societies' lands. The Order of the Day for the House in Committee on the Bill to enable Religious Societies of all denominations of Christians (in that part of the Province formerly called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned, being read,
 The House accordingly resolved itself into the said Committee.
 Mr. Gilchrist took the Chair of the Committee,²⁷

MR. BALDWIN ... tacked a clause on to ... ((the bill))²⁸.

((This clause)) ... was objected to by MR. BOULTON and MR. CARTWRIGHT, on behalf of the Church of England.²⁹

(70)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Gilchrist reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Petition of A.
Simpson and
others.

The Order of the Day for the House in Committee on the Report of the Special Committee to which was referred the Petition of A. Simpson and other Agriculturists, of Quebec; praying that the Quebec Turnpike Act may be so amended as to allow Vehicles, laden with manure to pass free of Toll, with an Instruction to consider the propriety of extending the same exemption to the whole Province, being read,

The House accordingly resolved itself into the said Committee.

Mr. Leslie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That this House doth concur with the Special Committee in their Report.

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Neilson,

The House adjourned.

APPENDIX, 24 OCTOBER 1843.

((WITHDRAWN MOTION RE: CHANGING MEETING OF QUARTER SESSIONS.))³⁰

MR. BOULTON moved to bring in a bill, to alter the period of holding the Quarter Sessions, to once in every four months, instead of quarterly.³¹

This was opposed by MR. BALDWIN and MR. H. SHERWOOD, as an innovation upon a system that prevailed in Great Britain as well as in Canada, and that was found to answer satisfactorily; no complaint or petition being before the house, with the view of having it altered.³²

The motion was withdrawn ((by MR. BOULTON)).³³

FOOTNOTES - 24 OCTOBER 1843.

1. The debate on this matter was reported by: BRITISH COLONIST, 31 October 1843, and MONTREAL GAZETTE, 28 October 1843, in identical accounts; LA MINERVE, 28 October 1843, whose account was copied by LE JOURNAL DE QUEBEC, 31 October 1843; BATHURST COURIER, 7 November 1843; KINGSTON CHRONICLE, 28 October 1843, and EXAMINER, 1 November 1843, in identical accounts; L'AURE, 28 October 1843; and MONTREAL GAZETTE, 27 October 1843.
2. L'AURE, 28 October 1843.
3. IBID.
4. IBID.
5. IBID.
6. BRITISH COLONIST, 31 October 1843.
7. IBID.
8. L'AURE, 28 October 1843.
9. IBID.
10. IBID.
11. BRITISH COLONIST, 31 October 1843.
12. L'AURE, 28 October 1843.
13. BRITISH COLONIST, 31 October 1843.
14. IBID.
15. IBID.
16. L'AURE, 28 October 1843.
17. BRITISH COLONIST, 31 October 1843.
18. IBID.
19. IBID.
20. The following was reported by: BRITISH COLONIST, 31 October 1843, in an account identical to that in the MONTREAL GAZETTE, 29 October 1843; L'AURE, 28 October 1843; and KINGSTON CHRONICLE, 28 October 1843.
21. BRITISH COLONIST, 31 October 1843.
22. L'AURE, 28 October 1843.
23. BRITISH COLONIST, 31 October 1843.
24. L'AURE, 28 October 1843.
25. IBID.
26. The identical accounts in the BRITISH COLONIST, 31 October 1843, and the MONTREAL GAZETTE, 28 October 1843, reported that Mr. Hale gave no explanation for his withdrawing this bill.
27. The following was reported by: BRITISH COLONIST, 31 October 1843, in an account identical to that in the MONTREAL GAZETTE, 28 October 1843; and LA MINERVE, 28 October 1843, copied by LE JOURNAL DE QUEBEC, 31 October 1843.
28. BRITISH COLONIST, 31 October 1843.
29. IBID.
30. The following motion was reported by: BRITISH COLONIST, 31 October 1843, in an account identical to that in the MONTREAL GAZETTE, 28 October 1843; and LA MINERVE, 28 October 1843, copied by LE JOURNAL DE QUEBEC, 31 October 1843.
31. IBID.
32. IBID.
33. IBID.

WEDNESDAY, 25 OCTOBER 1843.

(70)

Montreal Assurance Company.

MR. SPEAKER laid before the House a General Statement of the affairs of the Montreal Assurance Company, received in conformity to an order of this

House of the 6th Instant.

(For the said General Statement see Appendix I.)

9 Petitions brought up.

The following Petitions were severally brought up and laid on the Table:--

By Mr. Simpson--The Petition of the Very Reverend P. S. Archambault and others, of the Parish of St. Joseph de Soulanges and other places, in the District of Montreal.

By Mr. Foster--The Petition of H. Robinson and others, Inhabitants of the County of Shefford.

By the Honourable Mr. Hincks--The Petition of Robert Currie and others, Inhabitants of the Township of East Oxford.

By Mr. McLean--The Petition of John Montgomery, Senior, and others, Inhabitants of the Township of Roxborough, in the County of Stormont.

By the Honourable Mr. Moffatt--The Petition of the Montreal Board of Trade (relating to the measurement of Lumber); and the Petition of the Montreal Board of Trade (relating to the Montreal Harbour.)

By Mr. Powell--The Petition of the Reverend Francis Evans and others, of the Town of Simcoe, in the District of Talbot.

By Mr. Prince--The Petition of the Municipal Council of the Western District (relating to Assessors); and the Petition of the Municipal Council of the Western District (relating to the Municipal Council Act.)

Montreal Lying-in Hospital Bill.

An Engrossed Bill, to Incorporate the Ladies of the Committee of Management of the Montreal Lying-in-Hospital, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Moffatt do carry the said Bill to the Legislative Council, and desire their concurrence.

Niagara and Gore Boundary Line.

An Engrossed Bill to amend the Act relating to the Boundary Line between the Niagara and Gore Districts, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Thorburn do carry the said Bill to the Legislative Council, and desire their concurrence.

Duties Bill.

An Engrossed Bill to impose Duties on Agricultural Produce and Live Stock imported into this Province, was read for the third time.

The Honourable Mr. Hincks moved, seconded by Mr. Child, that the Bill do pass, and the title be "An Act to impose Duties on Agricultural Produce and Live Stock imported into this Province."

(71)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, BALDWIN, BERTHELOT, BOSWELL, BOULTON, CAMERON, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DERBISHIRE, DE WITT, DUGGAN, DUNN, DURAND, FOSTER, FRANCHERE, GILCHRIST, HALE, HINCKS, HOLMES, HOPKINS, JONES, JUDAH, LAFONTAINE, D. MCDONALD, J. S. MACDONALD, MCLEAN, MOORE, MORIN, PAPINEAU, PARKE, POWELL, PRINCE, QUESNEL, SMALL, HENRY SMITH, HARMANNUS SMITH, G. SHERWOOD, H. SHERWOOD, STEELE, TACHE, THOMPSON, THORBURN, WAKEFIELD, and WILLIAMS. (46.)

NAYS.

Messieurs BARTHE, BLACK, FORBES, HAMILTON, LESLIE, MOFFATT, NEILSON, SIMPSON, D. B. VIGER, and L. M. VIGER. (10.)

So it was carried in the affirmative, and

Resolved, Accordingly.

Ordered, That the Honourable Mr. Hincks do carry the said Bill to the Legislative Council and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of James Taylor and others, Brewers and Barley Growers, in the District of Niagara; praying that a duty be imposed on Beer, Porter, and other Malt Liquors, imported from the United States.

Of Peter Morgan and others, Inhabitants of Côte des Neiges; Côte St. Catherine; Côte St. Luc; and Côte St. Antoine, in the Parish of Montreal; complaining of high tolls on the Turnpike Roads in the neighbourhood of Montreal, and of their being collected from persons going to and returning from Divine Service; and praying such relief as the House may deem expedient.

Of Simon Valois and others, Inhabitants of Côte St. Michel; Côte de la Visitation; and of the St. Mary's Current, in the Parish of Montreal; complaining of high tolls on the Turnpike Roads in the neighbourhood of Montreal; of their being collected in Winter, and also from persons going to or returning from Divine Service, and praying such relief as the House may deem expedient.

Of Messieurs Gillespie, Moffatt and Company, and other Merchants of Montreal; praying that a part of the duty exacted from them on Bastard Sugars, contrary to the spirit of the Law, be refunded to them.

Of William Millar and others, of Port Sarnia; praying for certain amendments to the Charter of King's College.

Of Alexander Rea, of the Township of Compton; praying for relief in consequence of an injury received while in the discharge of his duty as a Magistrate.¹

Of Thomas Taite and others, Inhabitants of Melbourne and other Townships, in the District of St. Francis; praying for the completion of a Road from Quebec to Montreal, through the centre of the Eastern Townships.

Of the Municipal Council of the District of Wellington; praying that further means be provided to enforce Statute Labour.

Of J. Duval, Esquire, and others, Officers of the Society of Education for the District of Quebec; praying that the said Society may be Incorporated.

Of George Matthews and others, Inhabitants of the City of Montreal; praying that "The Independent Order of Odd Fellows" be exempted from the provisions of the Bill for the discouragement of Secret Societies.

Of the Mayor, Aldermen, and Citizens of the City of Montreal; praying for the revision and amendment of the Ordinances incorporating the said City, and for the addition of certain other provisions thereto.

Of the Municipal Council of the Western District; praying that Municipal Councillors may receive a remuneration sufficient to cover their expenses in attending to their duties as Councillors.

Of the Municipal Council of the Western District; praying that the Town Clerks be authorized to administer affidavits to Township Officers, when necessary.

Of the Municipal Council of the Western District; praying that a certain amendment be made to the Municipal Council Act.

Of John Brown and others, Inhabitants of the Western District; praying for a certain amendment to the Law which imposes a Tax on houses.

Of W. A. Hale, Esquire, and others, Inhabitants of the Parish of Ste. Anne La Pérade, in the District of Three Rivers; praying that they may have the same privileges with regard to the new bridge over the River Ste. Anne, as they would have had with regard to the former one which it replaces.

Of Thomas Jenkins, Senior, of the Township of Middleton, in the District of Talbot; praying for certain amendments to the Municipal Council Act.

Petitions referred. Resolved, That the Petition of John Colvin and John Colvin & others, debtors. others, Debtors, confined in the Gaol of the District of Bathurst, presented to the House on the sixteenth instant, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers and records.

Ordered, That Mr. Cameron, Mr. Prince, Mr. Merritt, the Honourable Mr. Boulton and Mr. Foster do compose the said Committee.

Inhabitants of Zorra. Resolved, That the Petition of Thomas McLean and other Inhabitants of the Township of Zorra East, presented to the House on the second instant, be referred to a Select Committee, composed of the Honourable Mr. Hincks, Mr. Parke, Mr. Powell, Mr. Henry Smith, and Mr. Durand, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Education Society for the District of Quebec. Resolved, That the Petition of J. Duval, Esquire, and others, Officers of the Society of Education for the District of Quebec, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Chabot, Mr. Berthelot, the Honourable Mr. Black, the Honourable Mr. Neilson, and Mr. Taché do compose the said Committee.

(72)

Russell Contested Election. Mr. Prince, Chairman of the committee appointed to try the merits of the Petition of Alexander Findlay and other Electors of the County of Russell, complaining of the undue Election and return of William Stewart, Esquire, as a Member to represent the County of Russell, in this present Parliament, reported to the House.

"That the Committee had met in the Committee Room pursuant to adjournment, at eleven o'clock, A. M. this day, and were unable to proceed with the matter referred to them, for want of evidence, and they therefore adjourned until eleven, A. M., to-morrow; and they also Report the absence of the Honourable Henry Sherwood, one of its Members, and in conformity with the Statute, the Committee waited for one hour, and beg to report the same to the House."

The Honourable Mr. Sherwood being present in the House when the Report was made, he was called upon by Mr. Speaker for an Excuse, which was made accordingly, and received by the House.

Contingencies. Ordered, That the Second Report of the Standing Committee on Contingencies, be referred to a Committee of the whole House, on Friday next.

On motion of Mr. George Sherwood, seconded by Mr. Duggan,

Summary Convictions. *Resolved, That this House will, on Friday next, resolve itself into a Committee of the whole House, to consider the propriety of extending the Right of Appeal to all cases of summary convictions by Justices of the Peace, in that part of this Province, called Upper Canada.*

Sale of Lands for Taxes. *Ordered, That Mr. George Sherwood have leave to bring in a Bill to explain an Act passed in that part of this Province, called Upper Canada, in the third year of the Reign of Her Majesty, intituled "An Act to confirm and regulate certain sales of Lands for Taxes in the District of Ottawa."*

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Reporting Debates of the House. *The Honourable Mr. Sherwood moved, seconded by Mr. Prince, that a Special Committee of seven Members be appointed to enquire into the expediency of adopting some method by which faithful and correct Reports of the debates and proceedings of this House may be given to the country, to report thereon with all convenient speed, with power to send for persons, papers, and records.²*

MR. ((HENRY)) SHERWOOD ... was aware that objections might be made by some to the principle of paying reporters, as being contrary to the practice in England, but when the different circumstances of the two countries were taken into consideration, he thought they might be warranted in deviating from the English practice. In England the press had arisen to such a degree of perfection that the proprietors can well afford the expense attending the publishing of the debates of both houses of Parliament; and they possess also the means of obtaining faithful reports, but the case was very different here. There are no papers published in this town so frequently as to enable them to give a full report of the proceedings of the House, nor are the proprietors able to afford the expense of employing a sufficient number of reporters to get up the speeches in a satisfactory manner. He made these observations not because he was particularly anxious for his speeches to go forth to the world, perhaps there were few in the House that cared less. But perhaps some hon. members would rather not have what they say repeated at all - he did not therefore speak because he wished it on his own account, but because his constituents and the people of Canada West are anxiously desirous of knowing what is going on in the House, and they would regard the expenditure of a small sum in putting them in possession of tolerably full and accurate reports as a boon. (Hear, hear, hear.) One of the reasons given in England against the House employing reporters is this, if any

statements were given which had not been made, and for which the reporters might be called to account, it would be unreasonable and unfair to bring them to the bar of the House and punish them for what the House itself had employed them to do. For his part, however, he could not understand that because you employ a man he may with impunity misrepresent what is said. If reporters, employed by the House, were to misrepresent, they would be equally and justly liable to be called to account as those who might not be so employed. He would now move for a committee to inquire into the expediency of getting faithful and correct reports of the proceedings of the House - and that this committee consist of Messrs. Thorburn, L. M. Viger, Harrison, and Dr. Taché.³

Hon. MR. HINCKS was upon principle decidedly against paying reporters, but there were circumstances in the present case that might render it excusable. He agreed with the hon. member for Toronto that it was of the utmost importance that the proceedings and debates of the house should be laid as fully as possible before the public; but this was not the case now. He felt that there was no full and correct account given. The reason of this was because they were assembled in a place where there was no means of doing so. If they were met in a proper place where there were four or five daily papers published, then the means would exist of their proceedings being properly reported. The evil complained of was one of the evils connected with the place in which the Legislature was assembled, and under the circumstances he was disposed to support the motion upon the present occasion.⁴

MR. DURAND did not rise to oppose the motion, but to oppose the mode of appointing the committee. The hon. and learned member talked a good deal of the misdeeds of the "Mirror of Parliament," once published in Upper Canada - and thought the press was so licentious that no fair account of the proceedings could (sic) be given - which excited considerable laughter from the other learned members.⁵

MR. CHRISTIE was understood to say ... that there would be a money vote at the end of this motion, and that it would be made a job of. When a similar motion was before made, the hon. gentlemen had spent a week in debating about the mode of publishing. At length \$500 per month were given for the purpose of getting out correct reports, and before the month was out, the greatest number were disgusted with them. ... He complained of the time that was wasted in these debates, and of the expense they cost the country ... he was opposed to the thing, and considered it a breach of the privilege of the House. He concluded by asking what the country would say if they would put their hand into the public purse and expend money in this way?⁶ Those who were desirous of figuring more extensively in print, should adopt a plan known to some hon. members, and write out their own speeches!⁷

MR. SIMPSON thought the country should have an opportunity of knowing

the proceedings of the House - and should like that such eloquent speeches as that just delivered by the hon. member for Richelieu should be given to the public.⁸

MR. PRINCE supported the motion and thought it would be desirable if it could be accomplished to have more full reports given. He had been made to say some very ridiculous things; for example, when speaking upon Mr. Hamilton's motion respecting the fisheries, he was made to say Mr. Prince "supported the preservation of salmon during the period of incubation."⁹

MR. THORBURN objected to the motion and refused to be placed on the committee.¹⁰ ((He)) remarked, that although all the long speeches were not printed, yet such a synopsis was given, as put the country perfectly in possession of the business that was done, and with the correct tone of the opinions of the house on important matters. He also stated, that, should any grant of money, for this purpose, be made exclusive, it would be an act of great injustice to the proprietors of those papers, who either came themselves a great distance, or employed others to do so, to watch the proceedings of parliament, for the sake of furnishing the public with the earliest and most correct information, in a condensed form.¹¹ There was too much speechifying already, without making any comfortable arrangements for extending it.¹²

MR. CARTWRIGHT opposed the motion upon the principle that according to the existing law of England, statements might be made in the House that amount to libel, if published as given, and that it might subject the parties to prosecution; the House would in that case be called upon to protect the persons who might suffer.¹³

Hon. MR. SMALL was opposed to paying reporters. He would not oppose the motion of the hon. member for Toronto, as it merely called for inquiry into the practicability of furnishing the public with full and correct reports of the proceedings of the House. He thought it of importance that the people should be well informed of what was going on in the House; but it was another question whether they should pay reporters for writing in that box. - He thought those who were anxious to appear in print should write out their speeches. There had been much unintelligible nonsense already published in the papers, and there would be much more if the course proposed was followed up.¹⁴

MR. MORIN opposed the motion because it was unconstitutional, and because there were no means of getting good reporters. In England they are only engaged twenty minutes, and then they compare their notes so that they are able to come pretty near what is said. The debates here, though not so interesting, would be attended with the same difficulty and expense if well got up.¹⁵ Each paper would be obliged to have ten short-hand reporters, and each reporter would have to be relieved every

twenty minutes, or half an hour. ... Taking all things into consideration, generally speaking, he was quite satisfied with the manner in which the proceedings of the house had been given to the public¹⁶.

MR. CHILD opposed the motion.¹⁷

MR. NEILSON thought there should be no such thing as paying reporters - and that there was too much speech-making. True, their constituents should know what they were doing, but this they would learn best by their acts. The journals of the House would show this.¹⁸

MR. ((HENRY)) SHERWOOD said the hon. gentleman who had just sat down had said it was not necessary for the speeches delivered in the House to go forth to the public, and that their acts would give the best information of their proceedings; but he could assure the hon. gentleman that it was the desire of the inhabitants of Canada West, to have as full and correct reports of the speeches as could be obtained, and that this desire was growing in the country. - The people wished to have a good report both of the sayings and doings of the House; and he thought they were entitled to it. The hon. member for Lenox and Addington had referred to the law of England, which, he says, renders the publication of statements that might be made in that House, a libel, and exposes the publishers to prosecution. If the report was faithfully and correctly taken, and a true report of what was said, the parties publishing it could not be prosecuted for libel. The law of England and of this country, permits a true and faithful report of the proceedings of Parliament being given; and if any action were taken upon it, no damages would be granted. It was because a strong desire existed in the country to obtain faithful reports, that he had made the present motion, and he hoped the committee of inquiry would be granted. He had not spoken to any of the gentlemen upon the subject, whom he had named as the committee, and did not know their opinions. He wished for a committee merely to inquire whether it was practicable to devise any means of obtaining good reports, and he hoped it would be obtained. It was for the people of Canada West, who would look upon it as a great boon, that he spoke, and not from any desire to see his own speeches in print.¹⁹

MR. BOSWELL said that the hon. gentleman had set out by saying that the principle of the thing was not to be discussed. He thought differently, and that before they proceeded farther the principle should be discussed. The hon. gentleman had himself, however, entered upon the discussion of the principle, in the remarks he had addressed to the House. This plan had been tried in 1841, and was found not to succeed. The reports were then, like all others, perfectly unfaithful; the words which were used were not given, and language was often placed in the mouths of members which they did not use, and which made them appear perfectly ridiculous. - What led to the application which had now been made? evidently the incorrectness of the reports. - The hon. member for Toronto had admitted it -²⁰

"No, no."--MR. ((HENRY)) SHERWOOD explained that he did not bring forward the motion upon this ground, and that he had little reason, as far as he was concerned, to be dissatisfied with the reports.²¹

The hon. member ((MR. BOSWELL)) referred to the observations made respecting the present state of the law of libel in England, and showed that Lord Durham had laid it down as the law, that those who published true reports of libellous statements that might be made in the House of Commons, were liable to prosecution; and complained of an uncorrect (sic) report that had been given of his speech of Monday night upon the Orange processions. It was known to all hon. members (said he,) that he advocated the principle of the bill, but was in favor of the appeal. In a report he had seen, he was made to say "that the party with which he acted," &c.²²

MR. WAKEFIELD said that he could give one instance of a member having been misrepresented, from a circumstance that came under his own knowledge. A statement was published as the speech of an hon. member, which had been made at a dinner table. It appeared to him, from the debate which had taken place, that the motion of the hon. member for Toronto was misunderstood. This motion did not refer immediately to the printing of reports, but merely to appoint a committee to inquire if any plan could be devised to give fuller and better reports than were now given; and if they could find that means, then would be the time for the debate.²³

(72)

Mr. Christie moved, in amendment, seconded by Mr. Barthe, that all the words after "That," in the said motion be struck out, and the following substituted, "it is not expedient or proper that this House adopt any measure towards publishing the debates of the Members thereof."

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, BARTHE, BERTHELOT, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DE WITT, FOSTER, FRANCHERE, GILCHRIST, HALE, HOLMES, HOPKINS, JONES, LESLIE, D. McDONALD, MCLEAN, MOFFATT, MOORE, NEILSON, NOEL, QUESNEL, HARMANNUS SMITH, THOMPSON, THORBURN, L. M. VIGER, WATTS and WILLIAMS.--(29.)

NAYS.

Messieurs BALDWIN, BOSWELL, BOUTILLIER, CAMERON, CHESLEY, DALY, DERBISHIRE, DUGGAN, DUNN, DURAND, FORBES, HAMILTON, HINCKS, JUDAH, KILLALY, LAFONTAINE, MERRITT, MORIN, PAPINEAU, POWELL, PRINCE, SIMPSON, SMALL, HENRY SMITH, G. SHERWOOD, H. SHERWOOD, STEELE, TACHE, D. B. VIGER, and WAKEFIELD.--(30.)

So it passed in the negative.

Mr. Hamilton then moved, in amendment to the main motion, seconded by Mr. Duggan, that the words "the expediency" in the said motion be struck out, and the following substituted--"the means, if any can be found."

The question being then put upon the motion of amendment, a division ensued, and it passed in the negative.

The question having been then put on the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BALDWIN, BOUTILLIER, CAMERON, CHESLEY, DALY, DERBISHIRE, DUGGAN, DUNN, DURAND, FORBES, HAMILTON, HINCKS, JUDAH, KILLALY, LAFONTAINE, PAPINEAU, POWELL, PRINCE, SIMPSON, SMALL, HARMANNUS SMITH, G. SHERWOOD, H. SHERWOOD, STEELE, TACHE, THORBURN, and WAKEFIELD. (27.)

NAYS.

Messieurs ARMSTRONG, BARTHE, BERTHELOT, BOSWELL, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, DE WITT, FOSTER, FRANCHERE, GILCHRIST, HALE, HOLMES, HOPKINS, JONES, LESLIE, D. McDONALD, McLEAN, MERRITT, MOFFATT, MOORE, MORIN, NEILSON, NOEL, QUESNEL, HENRY SMITH, THOMPSON, D. B. VIGER, L. M. VIGER, WATTS, and WILLIAMS. (32.)

So it also passed in the negative.

British Fisheries
Gulf of St.
Lawrence and
Gaspé.

A Bill to Incorporate certain persons therein named, with others, providing funds towards carrying on the British Fisheries in the Gulf of St. Lawrence, and District of Gaspé, and mining in the said District, under the style of the Gaspé Fishery, Commercial, and Mining Company, was, according to Order, read a second time.
Ordered, That the said Bill be referred to the Standing Committee on Private Bills.

Presbyterian
Church, Canada.

A Bill to provide for the management of the Temporalities of the Presbyterian Church of Canada, in connection with the Church of Scotland, was, according to Order, read a second time.

Resolved, That the said Bill be referred to a Special Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Neilson, Mr. Leslie, Mr. De Witt, the Honourable Mr. Moffatt, and the Honourable Mr. Black do compose the said Committee.

Party Processions.

The Order of the Day for the House in Committee on the Bill to restrain Party Processions, in

certain cases, being read,

*The House accordingly resolved itself into the said Committee.
Mr. Hopkins took the Chair of the Committee.*²⁴

MR. BALDWIN stated that he had taken into consideration the amendment proposed for allowing a right of appeal, and in order to meet the view of those hon. members as far as he could he had substituted imprisonment for 24 hours, instead of four months. Ae (sic) thought this would be sufficient, and he did not wish to adopt any harsher measures than were necessary for preserving the peace. By the bill as now amended, parties would have the right of appeal after being liberated, for, save this power of confinement for 24 hours, which was necessary to preserve the peace for the time being, he had followed the petty trespass act, and parties aggrieved could appeal to the Quarter Sessions, on entering into recognizances to keep the peace in the interim.²⁵

MR. HENRY SMITH thought that freedom and justice were as much violated by an imprisonment for 24 hours as for six months. There should be an appeal in all cases of summary conviction.²⁶

COL. PRINCE took a different view of it. If when a row occurred during a procession, those disorderly characters who caused it, were instantly to be released after they were arrested, by procuring bail by virtue of this right of appeal, there would be an end of the bill altogether, as there would be plenty always found in the crowd, ready to become security, so that their fellows might be released on the spot to renew the row.²⁷

MR. DUGGAN was of opinion that if an appeal were granted, it should extend to all cases included in the bill: he thought it unjust that a party sentenced for instance to thirty hours imprisonment should have the right of appeal when it was denied to one sentenced to twenty-four hours.²⁸

MR. HINCKS said the hon. gentleman who had just sat down should remember that upon himself much of the responsibility rested for the consequences which had resulted from the introduction of secret societies into the Province. The hon. gentleman, in citing instances of outrage, stated that on the occasion of a public meeting in one of the ridings of York, which he was on his way to attend, he was met by a band of Orangemen, and narrowly escaped with his life, and the man who then attacked him was shortly afterwards appointed one of the police force by corporation of Toronto. (Hear, hear.) He had lately, however, been discharged for misconduct. That was the way in which things were carried on, and which the bill before the House was intended to remedy. It was intended to give protection to the peaceable inhabitants in the exercise of their civil privileges, and to secure the liberties of the people.²⁹

MR. ((HENRY)) SHERWOOD had entertained and expressed in the early part of the debate yesterday an opinion against the appeal; but he had been convinced from the arguments subsequently advanced in opposition to that view that an appeal was necessary for the protection of the liberty of the subject, as without it an innocent party might be imprisoned at the pleasure and caprice of a partizan magistrate: and as he was convinced that a right of appeal was necessary, he must carry it to the full extent, and grant it in all cases.³⁰ ((He)) asked, why an individual thinking himself unjustly dealt with, when he was prepared with bail, should suffer 24 hours imprisonment? If this right was to be extended to him why was he not to have it at once? It would be a different thing, if he were detained in custody to give the magistrate time to dispose of the case. - That would materially alter the circumstances of sending him to jail.³¹

MR. WILLIAMS expressed himself perfectly satisfied with the amendment proposed by the hon. Attorney-General: he believed the restriction was necessary to give to magistrates sufficient power and authority to carry out the intentions of the bill; and entertaining such an opinion, he would give it his support.³²

MR. BALDWIN said he had endeavored, as far as possible, to meet the views of hon. members, in order, if it could be done, that the measure should have the sanction of an unanimous vote; but it seemed nothing would satisfy some hon. gentlemen.³³ ((He)) said that he could see plainly the design of these objections was to defeat the bill entirely. As had been remarked, it would be impossible to detain men in custody at all, if the right of appeal was conceded to them instantly. - Consequently, a riotous procession, instead of being suppressed by this enactment, would only have an additional stimulus given to its violence.³⁴ He would much rather see an open, active opposition to the whole bill than this appealing to the House, and endeavoring to create a sense of injustice, in order to defeat the provisions by which the Act could alone be carried out. If those hon. gentlemen were opposed to the bill, the much better way would be to declare their hostility at once.³⁵

MR. ((HENRY)) SHERWOOD said the hon. Attorney-General seemed very sensitive and warm this evening; but that hon. gentleman must recollect that other members had opinions, and that they were entitled to a full and free expression of them. He would avail himself of that privilege on all occasions. The only objection he had advanced was that the principle of an appeal being admitted, the hon. gentleman did not go far enough, and grant it in all cases. It was equally unjust to imprison a man who might be innocent for twenty-four hours as to incarcerate him for forty-eight. It did not follow, if the appeal were granted in all cases, that the magistrate would be left without power to perform the functions of his office. He had the right to commit to prison either on view or on information, any person supposed to be guilty of an infringement of the law, and there to detain him until prepared to examine the prisoner: but what he contended for was that after this imprisonment,

and in the case of conviction, the party accused should have the power of appeal from the decision of the magistrate. There was surely nothing in such a proposition to impair the efficacy of the bill.³⁶

CAPT. STEELE said that persons not living where these Orangemen existed had no idea of the state of those sections of the country where they were to be found. The neighborhood in which he lived had been one of the most quiet and orderly in the Province until the introduction of these secret societies, and with them the elements of strife and discord which followed in their train. He had occasion frequently, as a magistrate, to notice and deplore the altered state of things. He had been waited upon as a magistrate by a Roman Catholic priest, who requested him to take some measures to check any offensive processions on the approaching twelfth of July, as it would undoubtedly have a tendency to create bad feeling, and perhaps lead to outrage and riot. He told that gentleman that he should be prepared to perform his duty so far as pointed out by the law, in case of actual disturbance, but he regretted he had no power to check the causes. He contended that a gentleman filling the highly responsible office of magistrate should be armed with sufficient power at all times to preserve the public peace. He, for instance, lived at a distance of thirty miles from the district gaol at Barrie, and he required some power by which he would be enabled to act with efficiency. If the magistrate was not protected in the performance of his duty, why there was an end to the usefulness of his office, and you might as well be without magistrates at all. As an instance of the outrageous proceedings of the men to whom he had alluded, he would mention that on a late occasion, in the district in which he resided, a meeting was called to congratulate the present Governor-General, and to express their sentiments of esteem towards the late Sir Charles Bagot, then about to leave the country, when from east, west, north and south, from every quarter of the district, these Orangemen poured into Barrie; and the consequence was, that the peaceable and well-disposed portion of the people withdrew to their homes, seeing it of no use to contend with the numbers thus brought against them, and the Orangemen proceeded to pass a series of very strong resolutions condemnatory of the Government, and which were exultingly held forth as the opinions of the country. (Hear, hear.) That was the result of preconcerted and simultaneous action. To make the matter worse, he was sorry to say he saw in this country not only Irishmen but Englishmen take these Orangemen by the hand, and hold them up to the country as a super-loyal people. for the purpose of obtaining their influence and support. He was really surprised at this conduct towards men who notoriously were chiefly the disturbers of the peace of the country. He had known men, perhaps obnoxious to some, attacked by Orangemen on the Queen's highway, and obliged to jump over hedges and ditches, and try the mettle of their heels for escape. (Laughter.) It was, he could assure them, no matter of amusement: it was not a trifling matter before the House. Although he had confined his remarks chiefly to one party, he thought neither wholly free from blame; and as every year

brought from the mother country re-inforcements to both sides, he thought it desirable that some means should be adopted to check those incitements to collision now so prevalent. Unless something of that kind were adopted, he had no hesitation in saying that a residence in the section of the country in which he lived would in a few years be anything but desirable. (Hear, hear.) He was satisfied that no election could take place without the intervention of some strong power. An instance of this occurred at the last election. It was admitted that the poll could not proceed without violence, and in consequence a body of troops was ordered up from Toronto, and the whole affair passed off quietly. The elective franchise he imagined to be of some value to this country, but its value would be lost if the magistrate was not armed with power sufficient to protect its free exercise.³⁷

MR. DUGGAN was desirous that these processions should cease, but was astonished to hear the doctrine preached that laws to be efficacious must be summary. These processions are admitted to be wrong, but to put them down it was not necessary to pass an Algerine act. It was as necessary to protect from partizan magistrates those who it may be presumed will get up processions, as it is to put them down. What would such an authority as Sir Wm. Blackstone say of this bill? (Here the hon. member read an extract from Blackstone.) There was no such law in England, nor would it be submitted to there. It was for his unfortunate country, Ireland, that such a law was passed. The principle of the bill was admitted on both sides, except this 24 hours imprisonment without appeal, and he entreated the hon. and learned Attorney General to abandon this obnoxious clause.³⁸

MR. HINCKS had never advocated placing extraordinary power in the hands of a magistrate. He regretted that the state of the country was such as to render this bill necessary, and charged the hon. member for the second riding of York (Mr. Duggan,) with being accessory towards producing this state of things. There was no right of appeal in the Irish bill for this purpose. The state of society had become so outrageous in consequence of Orange societies and lodges, that it was impossible to obtain a fair expression of public opinion. It could not be done in Kingston; and in the Home District no expression of public opinion (sic) could be obtained for years. A meeting was summoned in reference to Lord Durham's Report, but it was dispersed by a party of armed Orangemen, and his own life was in danger from a violent fellow named Wallace, who was afterwards made a constable by the Corporation of Toronto. The bill was to protect the rights of the people - not to violate them - and sooner than yield one iota of it he would abandon it altogether.³⁹

MR. DUGGAN had certainly thought that when the hon. gentleman had favored the House with so glaring an account of the proceedings of a certain party, it would have ended in some fearful tragedy; that they would have heard of some terrible deaths, or at least of some black eyes

and bloody noses: he was sure the hon. gentleman would have been happy, had he been able to embellish his description with such scenes, to introduce them to the House; if from the use of violence he as a magistrate had been on any occasion unable to carry out the laws with whose administration, as a magistrate, he was trusted, he would have been happy to communicate that circumstance also to the House. But he says nothing of the kind. There was one wicked thing, a very wicked action, on the part of the Orangemen, to which the hon. gentleman had alluded: they had assembled from far and near throughout the district at a public meeting at Barrie, and voted in favor of some resolutions condemning the administration - a very wicked act, truly. Yet this is the manner in which, to serve a purpose, aspersions are cast upon a large and respectable body of men by their political opponents; aspersions just as groundless as the hon. gentleman has shown us today are those which he has made. If these things were true which hon. gentlemen alleged, let the hon. Attorney-General, who sits on the Treasury benches, bring forward his indictments and reports from the Circuit Judges and show us what was the conduct of these men charged here with having been guilty of the grossest outrages. He might show that the hon. Inspector-General and his friends were those who were jointly chargeable with the disturbance of the public peace. But he would not now go fully into the matter: he would take another occasion; but he would content himself with hurling back upon those from whom... had emanated the foul charge. He would be prepared to express himself to-morrow more fully, when the whole subject came before the House. The question before them now was whether it was right to withhold the appeal as demanded. All that was requisite in the bill was that the magistrate had sufficient power to suppress riot in the country, and the appeal did not affect that power, as before it could be demanded the individual would suffer imprisonment and take his trial for the offence. If then convicted, the object of giving the appeal was that, if really innocent, he should not be made to suffer through a hasty or partizan conviction, but give him the option of going before a jury. Why should they shrink from adopting this course? They will not put down these evils by any moderate means: no, it must be by the iron heel of power, and the victim must be imprisoned whether guilty or not. He would not add more at present, it being his intention to take another occasion of entering more fully into the subject.⁴⁰

MR. HINCKS explained. He did not charge upon the hon. gentleman individually the outrages to which he had alluded; but he did charge upon him a serious responsibility for such a state of affairs in the country as to require the enactment of the bill before the house. The reason for his doing so was, that he understood the hon. gentleman was head master of the orangemen in the very District to which he had made particular allusion. If in this he was incorrectly informed, he would most willingly withdraw any remarks which he had made as applicable to that gentleman, but if what he now stated was the case, he had nothing to retract.⁴¹

MR. DUGGAN said the hon. gentleman was not quite correct: he had held the office of Grand Master in the Home District, he now held a higher one, that was all the difference.⁴²

MR. ((HENRY)) SHERWOOD said that some of the remarks of the hon. Inspector General were evidently intended to apply to him.⁴³

((MR. HINCKS:)) No, no.⁴⁴

((MR. HENRY SHERWOOD continued:)) Well, it has been said that an individual who had been guilty of gross outrage was subsequently appointed to office by the Toronto Corporation, but at the period referred to he had nothing to do with that body. It would have been much better for the hon. gentleman, however, instead of bringing up the matter here, to have issued a warrant for the apprehension of the individual and had him punished for his misconduct. He (Mr Sherwood) knew little of the meetings referred to; he had purposely avoided all those places. But the hon. gentleman in advocating the bill had carefully confined his remarks to one class of persons; he had never for a moment hinted at the existence of other parties: it seemed, in fact, as if the bill were intended to meet particular cases conjured up by the hon. gentleman: to apply to one party alone.⁴⁵

((MR. HINCKS:)) No.⁴⁶

((MR. HENRY SHERWOOD resumed.)) Why, when he heard the hon Inspector General apply the provisions of the bill to one particular class of men, what other inference could he draw. Then the hon. member for Simcoe had, in a speech which would render him immortal, alluded so forcibly to the evils under which the country labored from this class of men, which he branded as the authors of every outrage in the country, that it was impossible to mistake the intended application of the bill before the house. Instead of taking ground upon the general principles of the bill, which would have been more to his credit, he, in common with the hon. Inspector General, speaks of its passage into law as desirable only in certain cases; he does not, therefore, appear as one desirous of producing peace in the country, but to create and foster distractions which must have a tendency to disturb the tranquility of the country. He was sorry the hon. gentleman had not been more judicious in his mode of handling the subject. As to the amendment introduced by the hon. Attorney General, he would ask any man of common sense why one individual being sentenced to 36 hours' imprisonment, should be granted the right of appeal, while the right was denied to him who received a ... sentence of 24 hours' imprisonment? You may sentence him to confinement for 26 hours and he has the right of appeal, but if it should unfortunately be 24, he is deprived of it. The hon. gentleman says that the bill could not be carried into effect - that outrage and riot could not be put down without it. Now he would venture to say, that no man who was justly condemned,

who felt that the condemnation was just, would appeal, because there was the certainty of the expense attending it which he would be unwilling to incur where there was no probability of establishing his innocence. He could not see where the line of distinction was drawn - what was the difference, in the actual punishment of the individual, between 24 or 36 or 48 hours' imprisonment. Twenty-four hours' imprisonment was as severe to a man who had any regard for his character as though it were doubled or quadrupled. The hon. member for Simcoe said he, as a magistrate, wanted power to suppress riot, and to punish the offenders; yet the hon. gentleman admits that he has power to swear in as many special constables as may be requisite for that purpose, and to send the parties to prison to await investigation. What more does he want? He surely does not desire that after all this, he shall have authority to keep a man in prison to suit his caprice or pleasure. All the powers, then, necessary to carry out the intentions of the bill, are already in the hands of the magistrates: it is only after examination and conviction, that he contemplated the right of appeal should be granted; and if not granted in full, it was far better, in his opinion, to take the bill back and introduce it in its original shape. He had no doubt the hon. Attorney General would like to see him (Mr S.) oppose the bill: he would like to have it in his power to say that he was opposed to the principle upon which it was founded; but in that wish he would be defeated. He was just as anxious as the Attorney General himself that the principle of the bill should go into operation, but that was no reason why he should agree to particular provisions which, in his opinion, were subversive of the liberty of the subject, and entrusted men with a most dangerous power in the exercise of magisterial functions.⁴⁷

COL. PRINCE confessed that he had at first view been a little staggered by the reasoning of his hon. and learned friend from Toronto as to the propriety of the amendment introduced by the ... hon. Attorney General: his hon. friend had certainly put the question most ingeniously before the house, and who could help feeling for the moment that there was an evident injustice in granting a privilege of appeal to an individual sentenced to 36 hours' imprisonment, and withdrawing it from one who had been sentenced to 24 hours' confinement; but he thought he could satisfactorily answer the objections of his hon. friend, and that by reference to precedents in their own legislation. If the hon. member for Toronto will refer to the summary punishment Act, he would find that parties convicted in the penalty of a sum less than five pounds, before any two magistrates, had the right of appeal, and here the distinction was evidently drawn. Indeed you must draw these distinctions. It might be said the law was an arbitrary one: it was not arbitrary, and why? Because it was a necessary precaution against annoyance on trifling occasions, such as those would necessarily be where trifling penalties were inflicted.⁴⁸

MR. BOSWELL was gratified that his hon. friend, the Attorney General,

had yielded so far to the wishes which he and other hon. gentlemen had expressed in favor of an amendment in the original bill, and the amendment now introduced carried the right of appeal as far as he wished it to apply. He was therefore satisfied with the measure in its present shape. He concurred in what had fallen from his hon. friend from Simcoe, and it admitted of no doubt that wherever these societies appeared which had been more particularly alluded to by that hon. gentleman, trouble and confusion had succeeded peace and order.⁴⁹

MR. ((D. B.)) VIGER could not understand, in the confusion of words, what some hon. gentlemen desired; they seemed to be very careful of the liberty of the subject, and yet not far from where they were now sitting had they seen men confined for three months in a common gaol against whom no violation of the law could be substantiated.⁵⁰

MR. ((HENRY)) SHERWOOD said the hon. gentleman alluded to the case of some persons who were committed to prison and detained there in consequence of the lamentable occurrences of the 12th July last; but he had made no allusion to the unfortunate youth who on that occasion was slaughtered in the public highway on that occasion, by others than the parties against whom the provisions of the bill before them seemed chiefly to be dictated.⁵¹

MR. ((D. B.)) VIGER explained. He did not say that such was not the very rational consequence of the excitement growing out of such proceedings; he had only alluded to the fact itself.⁵²

MR. ((HENRY)) SHERWOOD would take the explanation of the hon. gentleman and say nothing further on that point. But on looking over the statute-book to which he had been referred, he found the right of appeal granted in all cases, except when the penalty was a pecuniary one. And it must be admitted that there is a material difference between a penalty of a pecuniary nature, & that which consigns a man to prison; if the amendment was passed in its present shape there would be no means of saving an individual who might be innocent from incarceration.⁵³

MR. DURAND spoke during the debate ... ((his)) sentiments entirely agreeing with those of the Government on the subject.⁵⁴

MR. BALDWIN, said he had altered the bill to obtain, if possible, an unanimous vote upon it, and if he had expressed himself with any warmth upon the opposition still given all he had to say was that he was sorry for it. The objection raised by the hon. member for Toronto would apply equally to the jurisdictions of the several courts, where it has been necessary to draw some lines of demarcation, and these would prove more general in their application than the hon. gentleman himself intended. With respect to the bill, he had framed it as it originally stood, from the Act of the Imperial Parliament, and the only difference was, that in

his bill the penalties were less than in that in force in the mother country. He considered the clause under discussion absolutely necessary to give effect to the measure.⁵⁵

The question being put, the amendment was carried by a large majority.⁵⁶

(72)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hopkins reported that the Committee, had gone through the Bill, and had made several amendments thereto, which he was directed to

(73)

report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Game Laws.

The Order of the Day for the House in Committee, to consider the expediency of repealing an Act of the late Province of Upper Canada, intituled "An Act to amend an Act passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled 'An Act for the preservation of Deer within this Province,' and to extend the provisions of the same, and to prohibit Hunting and Sporting on the Lord's Day" and of passing an Act for the preservation of Game within the Province of Canada, and to prevent Hunting and Shooting at improper seasons of the year, being read,

The House accordingly resolved itself into the said Committee.

Captain Steele took the Chair of the Committee, and, after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain Steele reported, that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal an Act of the late Province of Upper Canada, intituled "An Act to amend an Act passed in the fourth year of the Reign of His late Majesty, King George the Fourth, intituled 'An Act for the preservation of Deer within this Province,' and to extend the provisions of the same, and to prohibit Hunting and Shooting on the Lord's Day;" and to pass an Act for the preservation of Deer within the Province of Canada, and for the prohibition of Hunting and Shooting on Sundays, and during that portion, of the year in which Deer and Feathered Game are not in season, and are rearing their young.

Ordered, That Mr. Prince have leave to bring in a Bill for the preservation of Deer and other Game within this Province, and for prohibiting Hunting and Shooting on the Lord's Day.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time

on Tuesday next.

Cayuga Glass
Company Bill.

The Order of the Day for the House in Committee to consider the expediency of reviving an Act passed in the Parliament of Upper Canada, intituled "An Act for Incorporating certain persons therein mentioned, and their Associates, under the style and title of the Cayuga Glass Manufacturing Company," being read

The House accordingly resolved itself into the said Committee.

Mr. Wakefield took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Wakefield reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to revive an Act intituled "An Act for Incorporating certain persons therein named, and their Associates, under the style and title of the Cayuga Glass Manufacturing Company."

Ordered, That Mr. Merritt have leave to bring in a Bill to revive an Act passed in the Parliament of the late Province of Upper Canada, of the 5th Will. 4th, cap. 18, to Incorporate certain persons therein named, and their Associates, under the style and title of the "Cayuga Glass Manufacturing Company."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Religious Societies'
Lands.

The Order of the Day for the House in Committee, on the Bill to enable Religious Societies of all denominations of Christians (in that part of the Province formerly called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. Harmannus Smith took the Chair of the Committee.

MR. BALDWIN ... ((consented)) to expunge that part of the additional clause, objected to by MESSRS. BOULTON, CARTWRIGHT and CAPT. STEELE, having reference to the Church of England.⁵⁷

(73)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Harmannus Smith reported, that the Committee had gone through the Bill and had made some amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

*The on motion of Mr. Hamilton, seconded by the Honourable Mr. Judah,
The House adjourned.*

APPENDIX, 25 OCTOBER 1843.

((WITHDRAWN MOTION RE: REFERRING PETITION OF ALEXANDER RAY
TO SELECT COMMITTEE.))⁵⁸

CAPTAIN MOORE moved to refer the petition of Alexander Ray, of Compton, to a select committee. The hon. member stated that this was the petition of a magistrate living on the frontier, who, in consequence of issuing a warrant, and taking an active part in the arrest of a notorious character, in 1836, was beset by an armed gang of ruffians, from New Hampshire, in the United States, most brutally used, and carried away violently into the United States, and his life nearly sacrificed. He had frequently made applications to the government on the subject; and a commission had been appointed, to investigate the complaint when it was ascertained that all the allegations made by him were correct; and yet, no redress whatever, not even the slightest, had been vouchsafed to him. He (Captain Moore,) therefore hoped the house would consent to the appointment of a committee to inquire into the facts.⁵⁹

MESSRS. BALDWIN and HINCKS were of opinion, that as it was virtually a demand for compensation, the government ought to be allowed to consider of it before a committee was appointed. Until that had been done, it would be unjust, directly or indirectly, to affix a charge of neglect upon the government.⁶⁰

The motion was withdrawn ((by CAPTAIN MOORE))⁶¹.

FOOTNOTES - 25 OCTOBER 1843.

1. There was a withdrawn motion to refer this petition to a Select Committee. See APPENDIX, 25 October 1843. The petitioner's last name was spelled Ray, when in fact it was Rea.
2. The debate on this matter was reported in: KINGSTON CHRONICLE, 28 October 1843; MONTREAL GAZETTE, 28 October 1843; BRITISH COLONIST, 31 October 1843; L'AUREORE, 30 October 1843; and LA MINERVE, 28 October 1843, whose account was copied by LE JOURNAL DE QUEBEC, 2 November 1843.
3. KINGSTON CHRONICLE, 28 October 1843.
4. IBID.
5. IBID.
6. IBID., which commented: "The country would think and say that since they are now mulcted to the amount of £ 15,000 each Session for the expenses of members wages, and other incidental expenses of the House of Assembly, that these disinterested guardians of the public purse, need not have made objections of such a character against the expending of a hundred or two to have their proceedings reported. But the fame of some of them is best protected by silence."
7. BRITISH COLONIST, 31 October 1843.
8. KINGSTON CHRONICLE, 28 October 1843. There is no report of Viger's speech, however.
9. IBID., which noted that: "None of the speech of the hon. member was reported in this paper."
10. KINGSTON CHRONICLE, 28 October 1843.
11. BRITISH COLONIST, 31 October 1843.
12. MONTREAL GAZETTE, 28 October 1843.
13. KINGSTON CHRONICLE, 28 October 1843.
14. IBID.
15. IBID.
16. BRITISH COLONIST, 31 October 1843.
17. KINGSTON CHRONICLE, 28 October 1843.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. The debate on this matter was reported in: BATHURST COURIER, 7 November 1843; L'AUREORE, 30 October 1843; KINGSTON CHRONICLE, 28 October 1843, whose account was copied by EXAMINER, 1 November 1843; and BRITISH COLONIST, 31 October 1843. A commentary may be found in L'AUREORE, 30 October 1843.
25. BATHURST COURIER, 7 November 1843.
26. IBID.
27. BRITISH COLONIST, 31 October 1843.
28. KINGSTON CHRONICLE, 28 October 1843.
29. IBID.
30. IBID.

31. BRITISH COLONIST, 31 October 1843.
32. KINGSTON CHRONICLE, 28 October 1843.
33. IBID.
34. BRITISH COLONIST, 31 October 1843.
35. KINGSTON CHRONICLE, 28 October 1843.
36. IBID.
37. IBID.
38. BATHURST COURIER, 7 November 1843.
39. IBID.
40. KINGSTON CHRONICLE, 28 October 1843.
41. IBID.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. BRITISH COLONIST, 31 October 1843.
55. KINGSTON CHRONICLE, 28 October 1843.
56. IBID.
57. BRITISH COLONIST, 31 October 1843.
58. This withdrawn motion was reported in: BRITISH COLONIST, 31 October 1843; and KINGSTON CHRONICLE, 28 October 1843.
59. BRITISH COLONIST, 31 October 1843.
60. IBID.
61. KINGSTON CHRONICLE, 28 October 1843.

THURSDAY, 26 OCTOBER 1843.¹

(73)

Gore Bank.

MR. SPEAKER laid before the House a General Statement of the Affairs of the Gore Bank, received in conformity to an Order of this House of the 6th instant. (For the said General Statement, see Appendix Y.)

8 Petitions brought up.

The following Petitions were severally brought up and laid on the Table:--

By the Honourable Mr. Boulton--The Petition of John H. Cornell, and others, Inhabitants of the Township of Norwich, in the District of Brock; the Petition of William Cornell and others, Inhabitants of the District of Brock; and the Petition of William Rees, of the City of Toronto, Medical Superintendent of the Provincial Temporary Lunatic Asylum.

By Mr. D. McDonald--The Petition of Charles P. Treadwell, Esquire, and others, of the Counties of Prescott and Russell.

By Mr. Dunlop--The Petition of the Honourable James Crooks, of the District of Gore.

By Mr. Morris--The Petition of Paul Glasford, and others, appointed to superintend the erection of a Gaol and Court House in Brockville.

By Mr. Boswell--The Petition of the Reverend Thomas Alexander, and others, Members of the Presbyterian Church of Cobourg.

By Mr. Thorburn--The Petition of Lewis Willson, and others, Freeholders of the Township of Pelham, in the District of Niagara.

Religious Societies' Lands.

An Engrossed Bill to enable Religious Societies of all denominations of Christians (in that part of the Province formerly called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned, was read for the third time.

Resolved, That the Bill do pass, and the title be "An Act to enable Religious Societies of all Denominations of Christians (in that part of the Province called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned."

Ordered, That Mr. Williams do carry the said Bill to the Legislative Council, and desire their concurrence.

Public Meetings Bill.

An Engrossed Bill, to provide for the calling and orderly holding of Public Meetings in this Province and for the better preservation of the

(74)

Public Peace thereat, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following
Petitions were read:--

Of Alexis Chandler, of the Township of Caledonia, in the District of Ottawa; praying to be naturalized.

Of William Fraser and others, Inhabitants of Breadalbane, Glenarry; praying that the University of King's College may no longer be conducted on exclusive principles.

Petitions referred. Ordered, That the Petition of Alexander Wylie, and others, Presbyterians, of the Townships of Edwardsburgh and Augusta, presented to the House on the eighteenth instant; and the Petition of the Minister and Session, on behalf of the Presbyterian Church at Brockville, presented to the House on the twentieth instant, be referred to the Special Committee to which was referred the Bill to provide for the management of the Presbyterian Church of Canada, in connection with the Church of Scotland.

Jas. B. Clendennan and others. Ordered, That the Petition of James B. Clendennan and others, Inhabitants of Pelham and Louth, in the District of Niagara; the Petition of the Reverend J. F. A. S. Fayette, A. M., of Brantford; and the Petition of the Reverend Abijah Blanchard, D. D., of Pelham, in the District of Niagara; the said three Petitions presented to the House on the seventeenth instant, be referred to the Special Committee to which was referred the Petition of Cyprian Morgan, of the Township of Yonge, in the Johnstown District.

A. G. Alexander. Ordered, That the Petition of Albert G. Alexander, of the Township of Hamilton, in the Newcastle District, presented to the House on the eleventh instant, be referred to the said Committee.

Administration of Justice Lower Canada. The Honourable Mr. Attorney General Lafontaine, from the Special Committee to which was referred the Bill to amend the Law relative to the Administration of Justice in Lower Canada; with an Instruction to the said Committee; and to which was also referred the Petition of E. J. Briggs and others, Inhabitants of the Municipal District of Missisquoi, reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill and Report, be referred to a Committee of the whole House on Monday next.²

Seat of Government.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Attorney General Lafontaine,

Resolved, That this House, will, on Thursday next, take into consideration the Message of His Excellency, the Governor General, of the 6th of October instant, respecting the Seat of Government, and that the same be the first Order of the Day after that for the call of the House.

Common Schools.

Ordered, That the Honourable Mr. Morin have leave to bring in a Bill to repeal the Act now in force for the establishment and maintainance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of said moneys, for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Petition of the Corporation of Montreal referred.

Resolved, That the Petition of the Mayor, Aldermen, and Citizens of the City of Montreal, presented to the House on the twenty-third Instant, be referred to a Special Committee of five Members; to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Holmes, the Honourable Mr. Moffatt, Mr. L. M. Viger, Mr. De Witt, and Mr. Leslie, do compose the said Committee.

On motion of Mr. Prince, seconded by the Honourable Mr. Sherwood,

Russell Contested Election.

Ordered, That the Committee appointed to try the merits of the Petition of Alexander Findlay, and other Electors of the County of Russell, complaining of the undue Election and Return of William Stewart, Esquire, as a Member to represent the County of Russell in this present Parliament, have leave to adjourn until Tuesday, the 31st Instant at eleven o'clock A. M., there being no witnesses in attendance, and this House having appointed that day for the interchange of the Lists of Witnesses between the Parties.

The Honourable Mr. Morin, one of Her Majesty's Executive Council, delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

C. T. Metcalfe.

Common Schools.

The Governor General informs the Legislative Assembly, that in consequence of the Ordinance of the Governor and Special Council of Lower Canada, intituled "An Ordinance to provide for the better internal Government of this Province, by the establishment of Local or Municipal Authorities therein," not having been generally carried into effect, it became impracticable to carry out literally the act of the Parliament of this Province, intituled "An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools," and that in Upper Canada also the last mentioned act has not generally been complied with, so as strictly to entitle many of the Districts to receive a share of the annual sum appropriated by the said Act for the establishment and maintenance of the Common Schools.

Under these circumstances, the Governor General, with the advice of the Executive Council, directed a distribution of money in aid of the purposes for which the said appropriation was made, as nearly as possible in conformity with the spirit and intention of the said Act, for the year one thousand eight hundred and forty-two, leaving a balance undistributed for that year in the hands of the Receiver General, and also leaving the whole sum appropriated for the year one thousand eight hundred and forty-three to be distributed according to such provision as may be agreed upon in that behalf by the several Branches of the Legislature.

(75)

The Governor General transmits to the Legislative Assembly herewith copies of the several Minutes of Council under which the said distribution of the Common School money has been made, together with the accounts and other documents explanatory of the course directed by him, as before mentioned.

Government House.

25th October, 1843.

(For the Documents accompanying the said Message, see Appendix Z.)

Ordered, That two hundred and fifty copies of the said Message, and of the Documents accompanying the same, be printed in each of the English and French Languages, for the use of the Members of this House.

Bill to restrain
Party Processions.

Mr. Hopkins from the Committee of the whole House on the Bill to restrain Party Processions in certain cases, reported, according to order, the amendments made by the Committee to the said Bill, and the Report was again read at the Clerk's table.

The Honourable Mr. Attorney General Baldwin moved, seconded by the

Honourable Mr. Solicitor General Small, That the question of concurrence be now separately put upon the said amendments,

Mr. Duggan moved, in amendment, seconded by Mr. Cartwright, That all the words after "That" in the said motion be struck out, and the following substituted: "the said Bill be recommitted, with an instruction to amend the same, by affording the right of appeal and trial by Jury without restriction, as a principle of British Justice, of which none of Her Majesty's subjects should be deprived in cases when personal liberty is involved."³

MR. DUGGAN made this motion in order to record his protest upon the journals of the House against this anti-British and unjust measure.⁴

(75)

The question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs CARTWRIGHT, DUGGAN, FOSTER, MCLEAN, MOFFATT, HENRY SMITH, G. SHERWOOD, H. SHERWOOD, and WATTS.--(9.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, DE WITT, DURAND, FORBES, GILCHRIST, HARRISON, HOLMES, HOPKINS, JUDAH, KILLALY, LAFONTAINE, LESLIE, D. MCDONALD, J. S. MACDONALD, MERRITT, MORIN, NEILSON, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SMALL, HARMANNUS SMITH, STEELE, TACHE, THOMPSON, THORBURN, TURGEON, D. B. VIGER, L. M. VIGER, WAKEFIELD, and WILLIAMS.--(45.)

So it passed in the Negative.

The question being then put on the main motion, it was agreed to by the House,

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to unanimously.

Ordered, That the said Bill as amended, be engrossed.

Management of
Customs bill.

The Order of the day for the second reading of the Bill to provide for the management of the Customs, and of matters relative to the Collection of the Provincial Revenue, being read.

MR. CARTWRIGHT objected, that was the day for the seat of Government question⁵.

MR. HINCKS replied that it was no matter, as the bill could then be postponed to another day.⁶

(75)

Ordered, That the said Order of the day be postponed until Thursday next.

Jury Bill, U. C.

The Order of the day for the House in Committee on the Bill for the consolidation and amendment of the Laws relative to Jurors, Juries, and Inquests, in that part of this Province called Upper Canada, being read, The House accordingly resolved itself into the said Committee.

*Mr. Noel took the Chair of the Committee,*⁷

MR. BALDWIN said that in this bill there were some blanks left which could not be filled up until another bill which would be brought in—the assessment bill—was passed. What he wished was, that the several clauses might be proceeded with now as the house would have time and the blanks could be filled up afterwards⁸ ... ((with)) the qualification of grand and petit jurors, which was far too high⁹.

DR. DUNLOP hoped that it would be made as low ((as)) possible. As regarded magistrates also, a high rate of qualification had operated injuriously; many worthy men, in the Huron District, having, in consequence, been incapacitated from performing magisterial duties.¹⁰

MR. ((HENRY)) SHERWOOD expressed his assent to the principle of the bill; the only objection he had, being to the qualification as it appeared in the printed bill.¹¹

MR. BALDWIN replied that the blanks had been filled up, as much out of form as anything else, and were not to be considered as the amounts agreed upon. He was as desirous as any one could be, to have the qualification as low as possible, in order to bring the mass of the population into our law courts, by rendering them competent to sit as jurymen; feeling convinced, that, by so doing, they would imbibe a greater respect for our institutions.¹²

(75)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Noel reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Monday, the sixth of November next.

Then on motion of Mr. G. Sherwood, seconded by Mr. De Witt, The House adjourned.

FOOTNOTES - 26 OCTOBER 1843.

1. "The business of to-day was speedily disposed of; there being only three orders of the day upon the list." BRITISH COLONIST, 31 October 1843.
2. L'AURE, 30 October 1843, provides an interesting commentary on this subject.
3. The following was reported by: L'AURE, 30 October 1843; LA MINERVE, 30 October 1843; BATHURST COURIER, 7 November 1843; and KINGSTON CHRONICLE, 28 October 1843, in an account identical to that in the EXAMINER, 1 November 1843.
4. KINGSTON CHRONICLE, 28 October 1843.
5. BATHURST COURIER, 7 October 1843.
6. IBID.
7. The following debate was reported in: LA MINERVE, 30 October 1843; BRITISH COLONIST, 31 October 1843; L'AURE, 30 October 1843; and KINGSTON CHRONICLE, 28 October 1843.
8. KINGSTON CHRONICLE, 28 October 1843.
9. BRITISH COLONIST, 31 October 1843.
10. IBID.
11. IBID.
12. IBID.

FRIDAY, 27 OCTOBER 1843.

(75)

Mr. Lacoste
returned for
Chambly.

MR. SPEAKER acquainted the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery, a Certificate of the Election of a Member for the County of Chambly, in the room of John Yule, Esquire, who had vacated his seat.

And the said certificate was read, and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery.
Kingston, 27th October, 1843.

This is to certify that in virtue of a Writ of Election, dated the fifth day of October, instant, issued by the Governor in Chief, and directed to the Returning Officer for the County of Chambly, (Bazile Laroque, Esquire,) for the Election of one Member for the said County of Chambly, in the room of John Yule, Esquire, who had resigned his seat, Louis Lacoste, Esquire, has been returned as duly elected, accordingly, as appears by the return of the said Writ, dated the twenty-third day of October, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

4 Petitions
brought up.

The following Petitions were severally brought up and laid on the Table:--

By Mr. Hale--The Petition of Samuel Brooks, and other Inhabitants of Sherbrooke.

By Mr. D. McDonald--The Petition of Charles A. Low, and others, Inhabitants of the Township of Hawkesbury, in the District of Ottawa.

By Captain Steele--The Petition of J. H. Thompson and others, of the Township of Brock, in the Fourth Riding of York.

By the Honourable Mr. Solicitor General Aylwin--The Petition of the Governors of the University of McGill College, and of others, interested in the establishment of the said University.

Party Processions
Bill.

An engrossed Bill to restrain Party Processions in certain cases, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the said Bill to the Legislative Council, and desire their concurrence.

(76)

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of the Very Reverend P. L. Archambault and others, of the Parish of St. Joseph de Soulanges and other places in the District of Montreal; praying such aid as the House may deem expedient towards improving the road across a certain ravine in Vaudreuil.

Of H. Robinson and others, Inhabitants of the County of Shefford; praying for Agricultural protection; for the re-establishment of Commissioners Courts; for amendments to the Municipal Council Ordinance, the School Act, the Registry Act, and the Road Laws; and for a grant to carry on Internal Improvements in the Eastern Townships.

Of Robert Currie, and other Inhabitants of the Township of East Oxford; praying that an Act be passed appointing Commissioners to make a just and correct division of the said Township.

Of John Montgomery, Senior, and others, Inhabitants of the Township of Roxborough, in the County of Stormont; complaining that they have not received compensation for work performed by them under public contract, and praying relief.

Of the Montreal Board of Trade; praying that the measurement of Lumber may not be made compulsory.

Of the Montreal Board of Trade; praying that the Harbour of Montreal and the Revenue thereof be placed under the control and management of the Trinity House of Montreal.

Of the Reverend Francis Evans and others, of the Town of Simcoe, in the District of Talbot; praying for the passing of an Act authorizing the sale of an Episcopal Reserve in the said town for certain purposes.

Of the Municipal Council of the Western District; praying for the passing of an Act to enable the Assessors to verify their Assessment Rolls before any Justice of the Peace, or any Commissioner appointed to take affidavits.

Of the Municipal Council of the Western District; praying for certain amendments to the Municipal Council Act.

Petition of
Alexis Chandler
referred.

Ordered, That the Petition of Alexis Chandler, of the Township of Caledonia, in the District of Ottawa, presented to the House on the 24th Instant, be referred to the Special Committee to which was referred the Petition of Cyprian Morgan, of the Township of Yonge in the Johnstown District, and other References.

Report on Petition
of the Reverend
C. F. Cazeau, and
others.

The Honourable Mr. Solicitor General Aylwin, from the Special Committee to which was referred the Petition of the Reverend C. F. Cazeau and others, of the City of Quebec, Members of the Congregation of Our Lady (Congregation de Notre Dame), presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee after having examined the Petition of the Reverend C. F. Cazeau and others, of the City of Quebec, Members of the Congregation of Our Lady (Congregation de Notre Dame), praying that they may be Incorporated for Religious, Moral, and Charitable purposes, are of opinion that the prayer of the Petition should be granted; and therefore that a Bill should be introduced for this purpose."

On motion of the Honourable Mr. Boulton, seconded by the Honourable Mr. Viger,

Tabular Statement
of persons employed
by the Crown Lands
Commissioner.

Resolved, That an humble Address be presented to

His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a

Tabular Return of the several Agents and other Persons employed by the Commissioner of Crown Lands, during and subsequent to 1840, and who are accountable to the Government for the receipt of moneys in that Department; designating the name of the Agent or other person employed; the date of his appointment; whether on the permanent establishment or for a temporary occasion; the amount outstanding in the hands of such Agent on the first day of September of each year inclusive; the reason of the detention thereof; and the salary, per centage, or other emolument receivable by such persons.

Ordered, That the said Address be presented to His Excellency, the

Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Encouragement
of Agriculture.

Resolved, That a Select Committee, composed of the

Honourable Mr. Hincks, the Honourable Mr.

Morin, Mr. Williams, Mr. Taché, Mr. Moore,

Mr. Prince, and Mr. Roblin, be appointed, to consider the best mode of granting Legislative aid for the encouragement of Agriculture in this Province, to report thereon with all convenient speed, with power to send for persons, papers, and records.

MR. BOULTON ((seconded by MR. MERRITT)) moved for an address for a return, in a tabular statement, of all fines, forfeitures, &c., in the Courts of this Province.¹

MR. BALDWIN said as the return would cause great labor and expense, unless there was some public object of great importance to be attained by

it, he could see no reason for the motion.²

MR. BOULTON had considerable knowledge on the subject, and thought that magistrates and others received many sums that were never accounted for.³

MR. MORIN said these tabular statements would take a year's service of a clerk and cause much expense in printing.⁴

MR. MERRITT said he had seconded the motion, although he was averse to this method of obtaining information, and tho't it should be laid before the house at the begining (sic) of every session. Since we had no other way of obtaining these statistical returns we must get them in this way by address.⁵

MR. HINCKS said if the House wants all this information in detail, a full return of every paltry fine levied by magistrates, forfeitures in Custom Houses, and so on, they can have it, but they will incur enormous expense. And the amount of all this information is given in the public accounts, where the money received from fines, forfeitures, &c, is duly credited.⁶

DR. DUNLOP could see great reason for the motion, although he was as much averse as any man to needless expense, and saw no use in many of the cartloads of papers sent to the House, But there was reason for this - the country was in some parts at least, plagued with trading justices, men who make a living by it, some £50 a year; and he has no doubt but money is often put into their pockets and never accounted for.⁷

MR. CAMERON had no doubt but fraud had been committed through carelessness but the returns of fines are all printed in the newspapers every three months, and sent to the Inspector General. What is wanted is that some person, the District Inspector, for instance, should be authorized to collect these fines. The only part of these monies paid to the Receiver General is what comes from breaches of the revenue laws, the others being paid to the District for District purposes; and since District Councils were established, they look sharply after these things.⁸

(76)

On motion of the Honourable Mr. Boulton, seconded by Mr. Merritt,

<u>Tabular Statement</u> <u>of Fines, Forfeitures,</u> <u>& Recognizances.</u>	<u>Resolved,</u> That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a detailed tabular Statement of the Fines, Forfeitures, and Recognizances, inflicted, incurred, and estreated, at the several Courts held in this Province during the year 1842; and also, the Fines imposed by Justices of the
--	---

Peace, and payable to the Receiver General for the use of the Province during the same period; the amount received in each case; and the steps taken to recover the sums remaining unpaid.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Anatomy Bill.

A Bill to regulate and facilitate the Study of Anatomy was, according to order, read a second

time.

Mr. Simpson moved, seconded by Mr. Dunlop, that the said Bill be referred to a Committee of the whole House.⁹

MR. SIMPSON stated that the object of the bill was to legalize the procuring of subjects for the study of anatomy, which at present, on account of the difficulties attending it, was completely obstructed.¹⁰ He believed the principle of the bill was admitted. The study of anatomy was legally impossible.¹¹

MR. AYLWIN objected to the third clause, preferring that the disposal of bodies should be vested in the Municipal authorities, instead of a medical man. He had no desire to reflect upon the profession; but in Quebec, neither the rights of humanity nor the rules of decency were much attended to by it, portions of human flesh and bones being cast up by the river during the spring. The dissecting rooms were also a nuisance, and in a disgusting state. He was willing to allow every medical man an opportunity of acquiring a knowledge of his profession, but under wise restrictions. Instead of the Emigrant Hospital being used as a public institution, it had been made to serve the purpose of merely a private school. He (Mr. Aylwin) trusted, however, that hereafter, by pursuing a different system, it might become eminent for its general utility.¹²

DR. DUNLOP said there is a prejudice all over the world, a strong prejudice in favour of the sanctity of the grave, which he would not do away; but he would not have it obstruct the acquisition of anatomical knowledge, for without it even a physician may do more harm than good by his medicine. It is a crime to rifle a grave in Scotland and in Holland, and almost the same here. He was a practical man, and had been 70 times engaged in violating the laws on this subject, and always without a suspicion, except in one case. He could have proved an alibi, but it would have done him no good, because though not in the Goruall's church yard that night, he was in the High church yard, (a laugh.) A dissecting room was a dirty sight to a stranger, more so because not under legal protection. The work has to be done by stealth, in a hurry, and by night. He had carried bodies in baskets and buried them in a ploughed field to escape detection. But place these schools under law, and these things will

cease. The hon. Sol. Gen. East says he would throw no impediment in the way of a study of anatomy - but he does. Has no doubt there is a sufficient number of people at the Emigrant Hospital to found a superior medical school. He would make medical science easy to every one, and not send a parcel of raw young cubs to mangle her Majesty's subjects because they could not obtain a sufficient knowledge of their profession.¹³

MR. NEILSON asked, are we to deliver over the bodies of poor emigrants for dissection when they die in our hospitals? They came here to better their condition, and is this the treatment they are to receive after death? He was disposed to vote against the measure altogether.¹⁴

(76)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs AYLWIN, BARTHE, BLACK, BOULTON, BOUTILLIER, CHESLEY, DALY, DUGGAN, DUNLOP, DURAND, FORBES, FOSTER, GILCHRIST, HALE, HINCKS, HOLMES, JONES, JUDAH, KILLALY, LAFONTAINE, J. S. McDONALD, MCLEAN, PAPINEAU, PARKE, POWELL, PRINCE, ROBLIN, SIMPSON, HARMANNUS SMITH, G. SHERWOOD, H. SHERWOOD, STEELE, TACHE, THOMPSON, THORBURN, TURGEON and WILLIAMS.--(37).

NAYS.

Messieurs, ARMSTRONG, BALDWIN, BERTHELOT, CHABOT, CHILD, CHRISTIE, DE WITT, FRANCHERE, HOPKINS, LESLIE, D. McDONALD, MERRITT, MOFFATT,

(77)

MORIN, NEILSON, HENRY SMITH, D. B. VIGER, and L. M. VIGER.--(18.)

So it was carried in the affirmative, and

The House accordingly resolved itself into the said Committee.

*The Honourable Mr. Black took the Chair of the Committee.*¹⁵

MR. SIMPSON said a surgeon of eminence in London, when giving his evidence before a committee of the House of Commons, stated that the humber (sic) of subjects furnished to the profession legally was 9 per annum, while they required 1100, and 900 was the fewest that could supply them.¹⁶

M. AYLWIN dit qu'il existait du vague dans le bill quant au temps où on pourrait obtenir des corps; et que ce temps devait être fixé.¹⁷

M. DURAND craignait que cette loi ne donnât trop de licence aux médecins, qui les représenterait comme des barbares, ce qui empêcherait les émigrés d'aborder sur nos côtes.¹⁸ ((He)) considered it an act of

barbarity to consign the bodies of friendless emigrants to the dissecting-room.¹⁹

DR. DUNLOP spoke in favour of the Bill, and said that to facilitate the study of that valuable science, that he should have no objection that his body should be dissected.²⁰

MR. NEILSON opposed the measure. He thought it wrong that any Bill should be passed by which persons, perhaps respectably connected, who might meet with an accidental death, or die at a distance from their relations and friends, were liable to be taken and cut up by the Doctors.²¹

DR. DUNLOP said that Medical students would have bodies at whatever expense. If they would look to Edinburgh, and see what had occurred there when £16 were given for a subject²², on account of the difficulty of obtaining them²³, enough to induce Burke and Hare to murder those falling in their way, and if they would not make provision for the procuring of subjects, they would rise up a band of assassins. Again we will have the poor old women, and the helpless idiot murdered whenever bodies are required, and when there are those to bribe.²⁴ He (Dr. Dunlop) could see no reason for any alarm in the bill. In Quebec Hospital the emigrant was kindly treated and taken care of, and if after death any one came forward and claimed the body, it was immediately given up for interment, otherwise it passed into the dissecting-room.²⁵ What harm is done to him or his relations who will never know it. In English poor houses and hospitals the bodies of the dead are decently interred, but in flimsy coffins covered with about two feet of earth, and it is these bodies that are taken up by the surgeons, because they are so slightly covered, the coffins are easily broken, and if any discovery ensues, the friends of the poor cannot prosecute. How then, is the poor emigrant worse off after death than he would be at home?²⁶

MR. SIMPSON said that surgeons must mangle either the living or the dead. The study of physiology could not be advanced without anatomy.²⁷

Le DR. TACHE dit qu'il était impossible d'étudier la médecine sans l'anatomie, et que la législature devait en fournir les moyens sans soulever les préjugés.²⁸ ((He)) was anxious that the bill should be submitted to a Special Committee.²⁹

MR. BOULTON said that in Paris means were taken to procure subjects. He understood that all persons who died in hospitals or who met with accidental death, were brought to a place called La Morgue, where their bodies were exposed for 48 hours and if unclaimed, they were given over for dissection.³⁰

MR. H. SHERWOOD concurred in the necessity of facilitating the study of the medical profession as much as possible, but would never support a measure to make public property of the remains of emigrants, who could not

but revolt at the very idea of it. In the time of the cholera, such was the dread with which the emigrants regarded it, that they preferred dying in the streets to going into the hospital.³¹ It appeared to him that it would be an abominable system to hand over to the dissecting room the bodies of all those who might meet with accidental deaths, or of the poor and friendless emigrant who might die in the hospital, and have no one to look after him. The effect of it he thought would be bad.³² The bodies of ruffians executed for crimes may be given over for dissection, but to consign by law the poor and the stranger to such a fate!³³ He trusted the House would never sanction such an odious proceeding.³⁴

MR. SIMPSON replied that the bill in principle was nearly the same as Warburton's Act in England, which had passed notwithstanding the prejudice arrayed against it. Regarding the objections urged, as well might the alphabet be closed up and men told to become learned. Sir Astley Cooper had said, if you do not allow dead bodies to be used, the living will be taken for they will be murdered for what they will bring.³⁵

MR. THORBURN approved of the principle of the Bill, although he thought that the bodies of criminals might be appropriated for such uses, with more propriety, than the bodies of emigrants.³⁶

MR. BOULTON approved of the principle of the bill, he would therefore move, that it be referred (sic) to a special Committee, with power to report thereon.³⁷

(??)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Black reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Mr. Speaker having put the question--

Shall the Committee have leave to sit again?

It passed in the negative.

Resolved, That the Bill to regulate and facilitate the Study of Anatomy, be referred to a Special Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Simpson, Mr. Boutillier, Mr. Dunlop, Mr. Noel and Mr. Taché, do compose the said Committee.

Messages.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to the Speaker two Messages from His Excellency, the Governor General, signed by His Excellency.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. Metcalfe.

Contingencies.

£3578 9s. 7½d.

£5000.

The Governor General informs the House of Assembly, with reference to their Addressees, dated 20th October, that he has issued his Warrant in favour of William Burns Lindsay, Esquire, the Clerk of the House, for the sum of three thousand, five hundred and seventy-eight pounds, nine shillings, and seven pence, three farthings, currency, for defraying the arrears of the Contingencies of the House for the last Session and Recess; and also for the sum of five thousand pounds, currency, towards defraying the current expenses of the House for the present Session.

Government House,
Kingston, 26th October, 1843.

C. T. Metcalfe.

Return to an Address
of 27 Sept. 1842
(appointments in
Lower Canada
since 1791.)

The Governor General transmits the accompanying Returns to the Legislative Assembly, in reply to their Address of the 27th September, 1842. From the incompleteness of the Public Records of the late Province of Lower Canada, it has been found impracticable to compile a Return of the precise character indicated by their Address. The communications from the Provincial Registrar, which accompany the Returns herewith transmitted, and the Remarks of the Deputy Inspector General of Public Accounts, which are appended to one of them, will serve to explain the principle upon which they have been prepared, and will shew that they embody all the information on the subject, which it is in the Governor General's power to give.

Government House,
Kingston, 24th October, 1843.

(For the Documents accompanying the last preceding Message, see Appendix A. A.)

The Honourable Mr. Daly also laid before the House, by command of His Excellency, the Governor General,

Harbour and
Port Dues.

Return to an Address from the House of Assembly to His Excellency, the Governor General, praying

that he will be pleased to cause to be laid before them, a Return of Harbour and Port Dues, levied by any Act of the Parliament of Upper Canada, for the years commencing on the 1st January, 1836, and ending on the 1st January, 1843, for the Port of Toronto.

D. Daly,
Secretary.

Secretary's Office,
Kingston, 27th October, 1843.

RETURN of the Rates collected on Cargoes of Vessels coming into the Port of Toronto, and for Wharfage on Articles landed from on board Vessels, or other Craft, at the Pier erected for the benefit of the Harbour at Toronto, under the authority of the Acts U. C. 3 Wm. 4, chap. 32, and 7 Wm. 4, chap. 64, and the Regulations established by the Lieutenant Governor and Honourable the Executive Council, dated 14th September, 1837, and 17th September, 1840. (Furnished in compliance with an Address from the Honourable the Legislative Assembly, of October, 1843.)

QUARTERS ENDED.	1837			1838			1839			1840		
	£	S.	D.	£	S.	D.	£	S.	D.	£	S.	D.
31 March & 5 April	0	0	0	6	3	3	0	0	0	26	9	8 $\frac{1}{2}$
30 June & 5 July	0	0	0	51	16	4	117	11	4	75	11	6
30 September & 5 Oct.	0	0	0	75	1	0	89	1	6	97	18	9
	From 15 Sep. 1837											
31 Dec. & 5 January	133	19	6	232	12	2	181	5	8	174	1	9
Totals Currency	133	19	6	365	12	9	387	18	6	374	1	8 $\frac{1}{2}$
Expenses of Collection viz.: 10 per cent on amount collected and Salary of Light House Keeper, £50, cy, per annum, charged since 1st Oct. 1840, &c.	13	7	11	36	11	3 $\frac{1}{4}$	38	15	10	50	8	2
Net Revenue	£ 120	11	7	329	1	5 $\frac{3}{4}$	349	2	8	323	13	6 $\frac{1}{2}$

QUARTERS ENDED.	1841	1842	TOTAL CY.	REMARKS.
31 March & 5 April	22 3 5	16 14 10		
30 June & 5 July	149 1 1	152 17 2		
30 September & 5 Oct.	219 13 5	291 19 2		
	From 15 Sep. 1837.			
31 Dec. & 5 January	164 1 10	167 11 4		
Totals Currency	554 19 9	629 2 6	2445 14 8½	
Expenses of Collection viz.: 10 per cent on amount collected and Salary of Light House Keeper, £ 50, cy, per annum, charged since 1st Oct. 1840, &c.	105 16 7	112 18 3	357 18 0¼	
Net Revenue	449 3 2	516 4 3	2087 16 8¼	

Inspector General's Office,
Kingston, 24th October, 1843.

F. Hincks,
Inspector General.

(78)

Also,

Collection of
Revenue.

Report of the Commissioner for investigating
the mode now adopted in the Collection of the Revenue
in the late Province of Upper Canada.

(For the said Report, see Appendix B. B.)

Also,

Tabular Return
from Departments.

Return to an Address of the Legislative Assembly
to the Governor General, bearing date the 27th
of September, 1842, praying that His Excellency will
be pleased to cause to be laid before the House, a Tabular Return from each

Department of the Executive Government, for the years 1840, 1841 and 1842, exhibiting the names of the Heads and subordinate persons employed in each Department, with the designation of such persons respectively, whether Clerks, Assistants, permanent or supernumerary, Messengers, or otherwise, with the amount of salary accorded to each, and the fees, if any, receivable by such Heads of Departments or their subordinates, and, if any, for what services, and by whom payable, and under what authority such salaries and fees have respectively been established; and also the contingent expenses of each Department, classed under the various heads of expenditure applicable thereto.

(For the said Tabular Return, see Appendix C. C.)

Also,

Assessment Rolls.

Assessment Rolls for the years 1842 and 1843
(Upper Canada) transmitted for the information of
the Legislative Assembly, pursuant to the Statute of Upper Canada,
59 Geo. 3, ch. 7.

(For the said Assessment Rolls see Appendix D. D.)

Quebec Episcopal
College Bill.

A Bill to Incorporate the Diocesan College
of the Protestant Episcopal Diocese of Quebec was,
according to order, read a second time.³⁸

MR. AYLWIN said that the House had as yet no report of the actual existence (sic) of such an institution. He himself did not doubt its existence, but they had no evidence of its existence in point of fact, of its means of doing good or evil, and however desirable it would be that such an institution should be founded in the 3 eastern townships, still if it militated against other institutions, or did not possess the means of enabling it to be effectually carried out, he did not see why it should obtain the privileges demanded by the bill before the House. He knew that a most worthy gentleman, at the head of the School, had conceived the project of making a theological Seminary or College; but he was not aware that it had any students, or that it was in any way superior to other schools in Upper Canada. He had been told that the respected head of the Church of England, at Montreal, had, through his own personal influence obtained subscriptions to a limited amount, and that a benevolent association at Home had promised £300 a year towards its support--but nothing had yet been realized. The object of the bill was to place this institution not only on a par with all the other institutions in Lower Canada, but in a position superior to all except McGill College. Now he would ask, whether the persons who were demanding these privileges, and desirous of converting this school into a college, were not too sanguine in their expectations? In the demand now made, he saw the commencement of a system which must be sooner or later met in this House. If superior powers and privileges were granted to this Seminary, he did not see how they could be denied to others, in different

parts of the Province, whose claims were equally as good. This College, he understood, was to be under the management of the Bishop of Quebec, yet he did not reside near it; and he would ask how it could be in his power to preside over a Seminary 180 miles from his residence? --how he could exercise that vigilant control over it upon which its success so much depended?--Upon the whole he could not see any thing in this bill which could lead him to give it his support; but he did see that by passing it they would be inflicting an injury upon other institutions. They were not in a situation, in the eastern townships, which called for the establishment of such a theological Seminary as this bill contemplated. In these townships religious differences are such that great numbers could not avail themselves of it. He would be sorry to say anything which might appear to be undervaluing the influence of the Church of England; but there were other religious societies which, if not equal in numbers, were as well supported and as well entitled to have their institutions placed upon the same footing. At the present time there is much discussion respecting McGill College. It was not his intention to enter into the merits of the controversy; but it was objected that it had fallen into the hands of one party--that it was under the complete control of the Church of England. The question, as to the extent of their right, was a legal one--depending upon the will of the person by whom it was founded, and upon the Royal Charter; but it was strange when this was a ground of objection that an attempt should now be made to found another collegiate institution upon the same exclusive principles--and it was also strange that the Church of England should try to raise up another institution in opposition to it. If they be sincere in their professions, that it belongs to them, it is strange that this should be the time chosen to make an attempt to erect an institution that must be detrimental to it. He had no objection that the institution should be incorporated: but beyond this he would oppose the bill. He could not believe that this institution would be of much use to the Church of England or to the cause of literature and science; whilst he felt that it would be unjust to other institutions to bestow upon it the power of conferring degrees--a privilege not bestowed upon others that have been much longer in existence, and possessing more means of doing good. He would therefore oppose all parts of the bill but that which incorporates the institution.³⁹

MR. HALE replied, that with regard to Incorporation, the House would hardly refuse that, when Mining Companies and Springs were incorporated. The institution under consideration, although at present only a school, was conducted by a very learned man, the Rev. Mr. Dolittle. Public opinion was much in favour of it, and although its funds were not imposing, they were not, however, contemptible, as the Member for Port Neuf had attempted to make them appear, as they amounted to £300 per annum from Great Britain, together with £3,000 in one of the Provincial Banks, and as much in landed property.⁴⁰ As to clashing with McGill College, he had the sanction and support of the heads of that College for this undertaking.⁴¹

(78)

Resolved, That the said Bill be referred to a Select Committee, composed of Mr. Hale, the Honourable Mr. Attorney General Baldwin, the Honourable Mr. Viger, Mr. Cartwright, and the Honourable Mr. Black, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Quebec Seminary Bill.

A Bill to authorize the Superior and Directors of the Seminary of Quebec, to acquire and hold a certain amount of property, in addition to that now held by them, was, according to order, read a second time.

Ordered, That the said Bill be engrossed.

Sales of Lands for Taxes.

The Order of the Day for the second reading of the Bill to explain an Act passed in that part of this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled "An Act to confirm and regulate certain sales of Lands for Taxes in the District of Ottawa" being read,

Ordered, That the said Order of the Day be postponed until Friday next.

Cayuga Glass Company.

The Order of the Day for the second reading of the Bill to revive an Act passed in the Parliament of the late Province of Upper Canada of the 5th Will. 4th, cap. 18, to incorporate certain persons therein named and their associates, under the Style and Title of the Cayuga Glass Manufacturing Company, being read,

Ordered, That the said Order of the Day be postponed until Tuesday next.

Contingencies.

The Order of the Day for the House in Committee on the second Report of the Standing Committee on Contingencies being read,

Ordered, That the said Order of the Day be discharged, and that the said Report be recommitted to the said Standing Committee on Contingencies.

Summary convictions.

The Order of the Day for the House in Committee to consider the propriety of extending the Right of Appeal to all cases of Summary Convictions by Justices of the Peace, in that part of this Province called Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Thorburn took the Chair of the Committee.⁴²

MR. G. SHERWOOD moved a resolution granting the right of appeal, in all cases of summary conviction.⁴³

MR. AYLWIN said, the proposition was one of the most extraordinary he ever heard. It is opposed to the whole course of legislation, both in this country and in England. The power of a Magistrate is derived from a special law, found necessary to meet the circumstances of the country; and it is now proposed to set it aside, just as if those circumstances did not exist.⁴⁴

MR. G. SHERWOOD said, many Magistrates live on their fees, and often when engaged in a case, they will send for a brother Magistrate, in order to cut off appeal. And when appeals are made, they appear as defendants, sometimes employ counsel, and instruct them.⁴⁵

MR. HENRY SMITH said, a great many acts of injustice are committed by Magistrates. In this neighborhood, a Magistrate fined two young men for petty trespass, one 2s. 6d., and the other 30s. They neglected to appeal, and he sent them to gaol for 2 months, where they are now breaking stones. Their cases will be represented to the Executive, in a petition signed by above 200 persons in the town. At the last Sessions, in every appeal the Magistrates' conviction was quashed. There are partisan Magistrates--one or two in this district; and he had known parties leave town, and go five miles to a Magistrate that they knew would favor them.⁴⁶

MR. BALDWIN said, the resolution went beyond its professed reasons, and was in the teeth of a measure recently passed by the House. If a bill had been brought in and printed, we could have seen the principles on which it was founded, and been prepared to admit or oppose them; but he could not approve of asking our assent to a general sweeping measure of this kind. In England, only two acts allow an appeal to a Jury; in all other cases of summary conviction, when an appeal is allowed, it is to the Justices in Quarter Sessions; fresh evidence is allowed, and the appeal partakes of the nature of a new trial.⁴⁷

MR. WILLIAMS would extend the right of appeal, but this resolution goes further, and would create numerous frivolous appeals. A general law drafted on this resolution, would interfere with half the statutes of the land! It must be particular.⁴⁸

MR. BOULTON recommended a repeal of all laws intended to be affected, and the re-enactment of such parts as it was requisite to retain. There were some enormous cases of injustice perpetrated by Magistrates. He knew one who had arrested a little boy, for fighting in the streets with another boy, and went through the solemn farce of trying him for an assault and battery, ending by fining him 2s. 6d., and above £2 costs; so that the whole was £2 5s. (sic) 6d. The boy's father was at Lewiston at the time, and as the boy could not pay the fine, he was sent to gaol for thirty days. When the boy's father came home, he applied to him (Mr. B.) for advice, but as the time for appeal was past, there was nothing left but to pay the fine. He knew another case, in which a man was sent

to gaol for six days, for not working on the roads, and the man died in gaol, the second day.⁴⁹

MR. MERRITT resented the imputations cast upon Upper Canada. If such things exist any where, they do not, in the Niagara district. The Magistrates of that district do not commit themselves in this way, and they need not go to pettifoggers to help them out of such scrapes. The professional men in the House, seem to delight in throwing odium on the Magistrates; but their censures would not apply to the district he represented.⁵⁰

MR. SMALL could not say what the Magistrates of the Niagara district might do, but he had been informed, that the Commissioners of the Court of Requests for that district, had tried a case of seduction, and allowed damages for the Doctor's bill - (a laugh.)⁵¹

MR. HINCKS was gratified with many of the observations that had been made. There were but few complaints of the Niagara district; but in the district he represented, the complaints are universal. The Magistrates had encouraged vexatious suits, to obtain the fees. In Lower Canada, they were not allowed fees, and it should be the same here; for as long as fees are allowed, these things will continue. In the case referred to, at Hamilton, the fees were probably 17s. It would be better to abolish fees, and place Upper Canada on the same footing as Lower Canada. In some districts, Magistrates do not covet fees, but endeavor to settle cases, and there, but few complaints are made; in others, it is the reverse.⁵²

DR. DUNLOP said, the Magistrates are not always right, and no wonder. The highest Court in the land is not always right - seven of the Vice Chancellors' decisions having been reversed by the Court of Appeals. If right decisions could be obtained from lawyers, there would be fewer law suits; for there never was a suit in which the plaintiff was not told by his lawyers, that his case was perfectly good, and the defendant was told the same of his case, by his lawyers; and yet some of them were confoundedly mistaken. That Magistrates should sometimes decide wrong, can be no wonder; for the law does not allow lawyers to be Magistrates. But when common sense and justice are required, Magistrates are likely to do better than lawyers; for the latter are so wrapped up in the cobwebs of law, that they cannot see justice, but lose justice and equity in law.⁵³

MR. ROBLIN was in favor of an appeal from the decision of Magistrates, but was surprised to see legal gentlemen so eager to get a shot at Magistrates. The hon. member for Brockville had said, there was no district but the Magistrates made a business of it to get fees. It was not so. In Prince Edward district, there was not one such Magistrate. In the case described by the member for Frontenac, the parties had a right

of appeal, and could have appealed, as he must know, if he knows any thing of law, (a laugh;) and yet he brings forward this case as an argument in favor of appeal!⁵⁴

MR. SMITH - I did not mention it as an argument in favor of appeals.⁵⁵

MR. ROBLIN - Why the hon. gentleman was arguing all the time in favor of appeal, (laughter.) It is said Magistrates decisions have been reversed. And so have the decisions of the highest tribunals. Just now, a case has been decided in the Victoria district, in which a man has recovered £114 that he lost by a verdict on a former trial. Yet in the latter, there had been a solemn trial before a learned Judge, a Jury and counsel learned in the law; but their decision is reversed, just like the decisions of some poor Magistrates. He knew another case which was tried three times, in all of which there were opposite verdicts. If the parties had gone on again, as they would have done - but they were both "used up," (laughter) they would probably have been first one winning, and then the other, till now. Seven decisions of the highest tribunal, had been set aside: and yet the lawyers complain of the Magistrates! Let them look at home, and see that all their decisions are right, before they complain of the Magistrates, who, if they do receive fees, are not paid as unconscionably as the lawyers are.⁵⁶

MR. H. SHERWOOD said, the hon. member for Prince Edward is as sharp, to-night, as if he had been rubbed over a hone. The Bench of Magistrates ought not to be assailed, as they have been to-night. In general, they are honest and able; but there are some ignorant and prejudiced among them. And there is no impeachment of a Magistrate's judgment or integrity, in asking for an appeal, for the highest Court is appealed from.⁵⁷

DR. DUNLOP said, an appeal from a Magistrate, had been compared to one from the Lord Chancellor; but it cost the latter nothing, whereas a Magistrate must fee counsel, when sued for his judgments.⁵⁸

MR. G. SHERWOOD said, he had not brought a sweeping charge against all Magistrates. There were black sheep among them, and if none in the Prince Edward district, he was glad to hear it.⁵⁹

MR. CARTWRIGHT was in favor of appeal. He had been Chairman of the Sessions of this district, eight years, and in all the appeals tried, the appellant was successful, except in one; and in that case the Jury could not agree, and were discharged, after being shut up 60 hours.⁶⁰

MR. THORBURN ... ((was)) of opinion, that taking every thing into consideration, the Magistrates were by no means deserving the sneers levelled against them.⁶¹

The resolution was amended, to allow an appeal in "certain cases," instead of "all cases"⁶².

(78)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Thorburn reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to extend the Right of Appeal to certain cases of Summary Convictions or Decisions by Justices of the Peace, in that part of the Province called Upper Canada.

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Attorney General Baldwin,

The House adjourned till Monday next.

APPENDIX, 27 OCTOBER 1843.

((NOTICE OF PROPOSED MOTIONS.))

MR. CHRISTIE⁶³ gave notice that he would on Wednesday night move for a Committee to inquire into the appropriation of the Marriage License Fund, as well as the propriety of impeaching any member of the Government who may have presumed to appropriate it without the authority of Parliament. (Hear! hear!)⁶⁴

MR. THORBURN gave notice, that he will, on Tuesday, inquire what progress has been made in the geological survey of this province, and the report thereon.⁶⁵

((QUESTION AND ANSWER RE: PLACING MACADAMIZED ROADS UNDER BOARD OF WORKS.))

MR. DURAND asked if ((the)) Government intended to bring forward any measure for completing the macadamized roads, and placing them under the control of the Board of Works.⁶⁶

MR. HINCKS replied, that the Government had a measure in preparation, respecting the macadamized roads, which would soon be submitted to the House. It was an embarrassing subject, owing to the state in which these roads were left, at the Union, without funds to complete them. He would say, that it was intended to place these roads under different management.⁶⁷

FOOTNOTES - 27 OCTOBER 1843.

1. BATHURST COURIER, 7 November 1843. This motion was reported in the COURIER and in an identical account in the ST. CATHARINES JOURNAL, 16 November 1843.
2. BATHURST COURIER, 7 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. The following debate was reported by: KINGSTON CHRONICLE, 1 November 1843; MONTREAL GAZETTE, 31 October 1843, in an account identical to that in the BRITISH COLONIST, 31 October 1843; L'AURE, 2 November 1843; LA MINERVE, 2 November 1843; and BATHURST COURIER, 7 November 1843, in an account identical to that in ST. CATHARINES JOURNAL, 16 November 1843.
10. MONTREAL GAZETTE, 31 October 1843.
11. BATHURST COURIER, 7 November 1843.
12. MONTREAL GAZETTE, 31 October 1843.
13. BATHURST COURIER, 7 November 1843.
14. IBID.
15. The following debate was reported by: KINGSTON CHRONICLE, 1 November 1843; MONTREAL GAZETTE, 31 October 1843, in an account identical to that in the BRITISH COLONIST, 31 October 1843; L'AURE, 2 November 1843; LA MINERVE, 2 November 1843; and BATHURST COURIER, 7 November 1843, in an account identical to that in ST. CATHARINES JOURNAL, 16 November 1843.
16. BATHURST COURIER, 7 November 1843.
17. LA MINERVE, 2 November 1843.
18. IBID.
19. MONTREAL GAZETTE, 31 October 1843.
20. KINGSTON CHRONICLE, 1 November 1843.
21. IBID.
22. IBID.
23. MONTREAL GAZETTE, 31 October 1843.
24. KINGSTON CHRONICLE, 1 November 1843.
25. MONTREAL GAZETTE, 31 October 1843.
26. BATHURST COURIER, 7 November 1843.
27. MONTREAL GAZETTE, 31 October 1843.
28. LA MINERVE, 2 November 1843.
29. MONTREAL GAZETTE, 31 October 1843.
30. MONTREAL GAZETTE, 31 October 1843.
31. MONTREAL GAZETTE, 31 October 1843.
32. KINGSTON CHRONICLE, 1 November 1843.
33. BATHURST COURIER, 7 November 1843.
34. MONTREAL GAZETTE, 31 October 1843.
35. IBID.
36. IBID.
37. KINGSTON CHRONICLE, 1 November 1843.

38. The following was reported by: MONTREAL GAZETTE, 31 October 1843; LA MINERVE, 2 November 1843; KINGSTON CHRONICLE, 1 November 1843; and ST. CATHARINES JOURNAL, 16 November 1843.
39. KINGSTON CHRONICLE, 1 November 1843.
40. MONTREAL GAZETTE, 31 October 1843.
41. ST. CATHARINES JOURNAL, 16 November 1843.
42. The following debate was reported by: BATHURST COURIER, 7, 14 November 1843, in an account identical to but shorter than that in the ST. CATHARINES JOURNAL, 16 November 1843; MONTREAL GAZETTE, 31 October 1843, in an account identical to that in BRITISH COLONIST, 31 October 1843; LA MINERVE, 2 November 1843; and KINGSTON CHRONICLE, 1 November 1843.
43. ST. CATHARINES JOURNAL, 16 November 1843.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. MONTREAL GAZETTE, 31 October 1843.
62. ST. CATHARINES JOURNAL, 16 November 1843.
63. The following notice was reported by: BATHURST COURIER, 7 November 1843, in an account identical to that of ST. CATHARINES JOURNAL, 16 November 1843; and MONTREAL GAZETTE, 31 October 1843.
64. MONTREAL GAZETTE, 31 October 1843.
65. ST. CATHARINES JOURNAL, 16 November 1843.
66. IBID.
67. IBID.

MONDAY, 30 OCTOBER 1843.

(78)

Russell contested
Election.

WILLIAM STEWART, Esquire, Member for the County of Russell, having previously taken the oath according to Law, and subscribed before the Commissioners, the Roll containing the same, took his seat in the House.

Montreal Election.

Mr. Speaker acquainted the House that the Clerk of this House had received from the Clerk of the Crown in Chancery, a Certificate of the Election of a Member, for the County of Montreal, in the room of Alexander Maurice Delisle, Esquire, whose seat had been declared vacant.

And the said certificate was read, and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery,
Kingston, 30th October, 1843.

This is to certify that in virtue of a Writ of Election, dated the eleventh day of October instant, issued by the Governor-in-Chief, and directed to the Returning Officer for the County of Montreal (Jacques Viger, Esquire,) for the Election of one Member for the said County, in the room of Alexander Maurice Delisle, Esquire, whose seat as Member for the said County of Montreal has been declared vacant, André Jobin, Esquire, has been returned as duly elected accordingly, as appears by the return of the said Writ, dated the twenty-seventh day of October instant, which is lodged of record in my office.

Felix Fortier,

Clerk of the Crown in Chancery.

To W.B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

12 Petitions
brought up.

The following Petitions were severally
brought up and laid on the Table:--

By Mr. Moore--The Petition of John S. Bostwick and others, Inhabitants of the Township of Compton, in the County of Sherbrooke; the Petition of A.W. Kendrick and others, Inhabitants of the Township of Compton, in the District of St. Francis; and the Petition of B. Pomroy and others, Inhabitants of the Township of Compton, in

the County of Sherbrooke.

(79)

By the Honourable Mr. Black--The Petition of Messieurs James G. Heath and Company, and Shaw and Torrance, of Quebec, Merchants.

By Mr. D. McDonald--The Petition of John Wilson and others, of the District of Ottawa.

By Mr. Roblin--The Petition of R.J. Hopkins and others, Inhabitants of the District of Prince Edward; the Petition of John Rose and others, Inhabitants of the Township of Marysburgh; and the Petition of Joshua M. Cadman and others, Inhabitants of the District of Prince Edward.

By Mr. Turgeon--The Petition of J. Jolivet and others, Inhabitants of the Parishes of St. Gervais and St. Lazare.

By Mr. Merritt--The Petition of Jacob Price and others, of the Baptist Church and Congregation at Louth, in the District of Niagara; the Petition of Thomas McDonald and others, of the Village of St. Catharines, in the District of Niagara; and the Petition of George Adams and others, Inhabitants of the District of Niagara; praying for an extension of the time limited for the payment of the Capital Stock of the Niagara District Bank.

On motion of Mr. Merritt, seconded by Mr. Thorburn,

<u>Petition of George Adams & others</u>	<u>Ordered</u> , That the last preceding Petition be now read, and that the Rule of this House of the 28th of June, 1841, be dispensed with as to the present Petition.
--	---

And the said Petition was read accordingly.

Quebec Seminary. An Engrossed Bill to authorize the Superior and Directors of the Seminary of Quebec, to acquire and hold a certain amount of property in addition to that now held by them, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Neilson do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read. Pursuant to the Order of the Day, the following Petitions were read;--

Of John H. Cornell and others, Inhabitants of the Township of Norwich, in the District of Brook; praying for the repeal of the Municipal Council Act, and that each Township in the said District may be incorporated separately; and that all Licenses and Fines levied within the said Townships may be applied to the uses thereof.

Of William Cornell, and other Inhabitants of the District of

Brock; praying for the re-establishment of Courts of Requests, with certain amendments.

Of William Rees, of the City of Toronto, Medical Superintendent of the Provincial Temporary Lunatic Asylum; praying that the Salary provided by Law for the said Office, may be granted to him.

Of Charles P. Treadwell, Esquire, and others, of the Counties of Prescott and Russell; praying an aid for a Road.

Of the Honourable James Crooks, of the District of Gore; praying indemnification for the loss of a vessel illegally seized by the United States, and destroyed during the War of 1812.

Of Paul Glasford and others, appointed to superintend the erection of a Gaol and Court House in Brockville; praying a grant to liquidate a debt on the said Buildings.

Of the Reverend Thomas Alexander and others, Members of the Presbyterian Church at Cobourg; praying for such alterations in the charter of King's College as may better secure Theological Instruction to all Religious denominations, and for the incorporation of other Colleges therewith.

Of Lewis Willson, and others, Freeholders of the Township of Pelham in the District of Niagara; praying that the Agricultural interest in this Province be protected by imposing a duty on all live stock and Agricultural Produce imported from the United States.

Of Samuel Brookes and other Inhabitants of Sherbrooke; praying for an aid to promote internal improvement by means of a Plank Road from Chambly to Granby, and other roads branching therefrom.

Of Charles A. Low and others, Inhabitants of the Township of Hawkesbury, in the District of Ottawa; praying that the said Township be divided into two separate Townships, called East and West Hawkesbury.

Of J.H. Thompson and others, of the Township of Brock, in the Fourth Riding of York; praying for certain amendments to the Common School Act.

Of the Governors of the University of McGill College, and others, interested in the establishment of the said University; praying for an aid in behalf of the said Institution.

Petitions referred. Ordered, That the Petition of George Adams and George Adams and others, Inhabitants of the District of Niagara, be referred to the Standing

Committee on Private Bills.

Billa Flint and others.

Resolved, That the Petition of Billa Flint and others, Inhabitants of the District of Johnstown, presented to the House on the twelfth instant, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Morris, Mr. Dunlop, Mr. Taché, Mr. Foster, and Mr. Johnston do compose the said Committee.

Third Report on Private Bills.

The Honourable Mr. Moffatt, from the Standing Committee on Private Bills, presented to the House the Third Report of the said

Committee, which was again read at the Clerk's table, and is as followeth:--

"The Petition of James Morton and others, sets forth that certain Mineral Springs have recently been discovered in the vicinity of Kingston, which have proved efficacious in the cure of numerous diseases; and prays that an Act may be passed to Incorporate the Petitioners, with power to purchase and hold the lands upon which the said Springs are situate, and such further quantity as may be necessary for the purposes of the Company, and to erect buildings thereupon for the accommodation of visitors.

Your Committee have taken evidence as to the nature and properties of the water, and are satisfied of its efficacy. An Act having been passed by the Parliament of Upper Canada in 1837, granting similar powers to those now prayed for to a Company, by the name of the "Caledonia Springs Company," your Committee beg to report favorably upon the prayer of the Petitioners, and recommend that an Act be passed to Incorporate them for the purposes desired, under such regulations and limitations as to your Honourable House may seem expedient.

Third Report on Private Bills.

Your Committee have also examined the Petition of the Kingston Marine Railway Company. This Company was incorporated in the year 1838,

(80)

by an Act of the Legislature of the then Province of Upper Canada, and now prays that the powers conferred by that Act may be so far extended as to enable the Company to hold real and personal estate for their use, and to lease or convey the same, to build vessels thereon, and further improve their property by the erection of additional wharves and buildings.--The Petitioners seek no authority to increase their capital for these purposes; and your Committee are of opinion that

their Act of Incorporation should be amended as prayed for.

The Petition of the Honourable Adam Ferrie, Chairman of the Committee of Management of a Joint Stock Company, known as the Canada Inland Forwarding and Insurance Company, praying for authority to sue for and recover the debts of the said Company--has been considered by your Committee,--and they have perused the articles of Association of the Company, bearing date 22nd January, 1833, wherein it is provided that all suits brought against the Association shall be brought against the Chairman of either of the Committees for the time being, and that all recoveries so had shall be conclusive upon the Company, its Stock, and Funds,--and that in case of any suit at Law, the Chairman of the Committee, for the time being, shall have full power in his own name and on behalf of the Company to prosecute to judgment and execution in the manner and form as, by the laws of the Province in which the action is brought, it is provided.

The Committee considering the difficulty of carrying this provision into effect without a Legislative enactment, recommend that a Bill be passed enabling the Association to sue and be sued in the name of the Chairman."

Fourth Report on
Private Bills.

The Honourable Mr. Moffatt, from the Standing Committee on Private Bills, presented to the House the Fourth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have considered the Petition of Eden Colville, Esquire, of Beauharnois, the authorized Agent of the North American Colonial Association of Ireland, and that of Thomas Corbett and others, of Kingston. The evidence taken by your Committee in reference to these Petitions is annexed to this Report.

The North American Colonial Association of Ireland was Incorporated by an Act of the Imperial Parliament passed in 1835, and amended in 1842. The Company have a capital of £300,000 paid up, which they are empowered to enlarge to the extent of £1,000,000--and they are authorized to borrow a farther sum of £500,000. They have acquired a large estate in the County of Beauharnois, and are empowered, by an Act passed in the first Session of the present Provincial Parliament, to loan monies to the District Council in the said County, for carrying on public works. The Company are now desirous of obtaining power to invest a large portion of their effects and capital in the loan of monies on real securities within this Province; and Your Committee are of opinion that it is expedient to grant these powers to them, subject to such regulations and limitations as Your Honourable House may see fit to prescribe, with a provision, however, that the said Company

should at no time be allowed to hold lands in this Province exceeding in value the sum of £300,000, the amount of their paid up capital.

Fourth Report on
Private Bills.

The Petition of Thomas A. Corbett and others, prays for authority to enable them to form a Loan and Trust Company for the purpose of raising a Capital for the objects set forth in their Petition. Your Committee recommend that the prayer of the Petitioners be granted, under such regulations and restrictions as it may be deemed expedient to impose.

In the matter of the Petition of Eden Colville, of Beauharnois, E.G. Wakefield, Esquire, a Member of the House, called in and examined:--

Please to describe to the Committee the objects of the present application.--Speaking in general terms there is but one object in view--namely, that of applying to Canada the principle of the Companies established in London, under the name of "Trust Companies", by means of which a large amount of Capital has been supplied to the British Colonies of the Southern Hemispheres. These Companies have been founded with a view of at once providing profitable employment for the Capital of a country in which money is superabundant, and furnishing to a new country that Capital in which it is necessarily deficient, and which is essential to the developement of its natural resources. The old country is the lender, and the new country the borrower; and each party gains exactly that which it wants;--the lender, employment for surplus and idle capital--the borrower, the indispensable means of increasing the wealth of the poorer country. The modus operandi of the Australasian Trust Companies is very simple: --A Company is Incorporated by Royal Charter, or Act of Parliament, with power to subscribe a large capital, to borrow money in England, on the security of the capital subscribed, but not paid up, and then to lend in the Colonies, at Colonial rates of interest, the money so borrowed. The subscriptions of a wealthy body of Shareholders form the security on which the money is borrowed, at a low rate of interest, for the purpose of being lent at a high rate, and the profit of the Company consists of the difference (deducting expenses of management) between the two rates of interest on the sum employed. The Australian Trust Companies have been remarkably successful, and their operation is now on the point of being extended to New Zealand, at the instance of the inhabitants generally of the latter Colony, who have observed the beneficial effects of these Companies in New South Wales and Van Dieman's Land, and are most anxious to obtain the same great advantage for themselves.

2. In what manner is it proposed to apply the principle of the Australasian Trust Companies to Canada?--The North American Colonial Association of Ireland, is incorporated by an Act of the British Parliament, with a subscribed capital of £ 300,000, and with

power to augment its available means either by subscribing a further capital of £ 700,000 or by borrowing to the extent of £ 500,000, or by both of these operations. It therefore already possesses the power of doing all that is required with respect to obtaining in England a large Trust Fund--all that belongs to the borrowing part of a Trust Company's operations. Two years ago it also possessed under its original Act, all the powers requisite for lending money in Canada. But in the Session before last of the Imperial Legislature, this Company obtained a new Act by which its powers were greatly modified. The new Act divests the Company of various powers which the old Act authorized it to exercise in Canada, and provides that except as regards a purchase of land, already made by it in Canada, it shall exercise within the Province such powers only as shall be conferred upon it by the Provincial Legislature, but that powers so conferred by the Provincial Legislature, shall be exercised to the same effect as if they had been conferred by the Imperial Parliament. Under the present Law the Company can undertake nothing new without the sanction of this Parliament, and any legislation of this Parliament binds the Shareholders and Directors in England.

(81)

Fourth Report on
Private Bills.

This novel provision was adopted deliberately, for the express purpose of giving the Provincial Legislature the fullest control with respect to operations to be carried on within the Province, it recognizes that well founded jealousy and dislike with which the Colony has regarded Imperial Acts, bestowing upon Companies in London extensive powers in the Colony, without the consent or even the knowledge of the Colonists. This provision may be said to have introduced a new and valuable principle into Imperial Legislation with respect to Colonies. In consequence of this provision the Company, though it possesses by means of its Imperial Act, all the powers necessary for borrowing, stands in need of Provincial Legislation in order to lend, for of course all the lending must take place here. The object of this Petition therefore is to obtain for the Company powers of lending in Canada.

3. Is that the only power which the Company requires?--Yes; that is the only direct power, but inasmuch as it is impossible to lend money with safety on real property without enjoying the power to hold such property in case the mortgager should fail in his engagement, the necessity arises of enabling the Company to hold lands to some limited extent beyond its present acquisitions; at present it cannot buy an acre of land beyond what it possesses. There is no desire on the part of the Company to extend its operations as a Landowner, on the contrary its aim is to sell off by degrees the large property which it already holds. But as an incident of the Trust Company powers of lending there must be a power to hold land to some limited extent. Supposing that the Trust Fund of the Company may be £ 500,000 as is intended, I think there

ought to be a power of holding land to the extent of one fifth of that sum, or £ 100,000.

4. Is it desired that the powers to be conferred on the Company should be perpetual?--There is no necessity for it. A limited time might be fixed, but the whole measure would be defeated unless such term were amply sufficient to satisfy capitalists that they would not be subjected to loss, by having to wind up their affairs prematurely or suddenly.

5. What property has the Company acquired in Canada under its present Act?--The Seignory of Beauharnois with certain Township Lands which it purchased from Mr. Ellice for £ 150,000 sterling.

6. Do you know that the Petitioner, Mr. Eden Colville, is the duly authorized Agent for the Company?--I do.

(In the matter of the Petition of Thomas A. Corbett and others, for incorporation of a Loan and Trust Company.)

Robert S. Atcheson, Esquire, called in and examined:--

Fourth Report on
Private Bills.

State to the Committee any information you possess respecting the operation and advantages of Companies of the nature of that for which the Petitioners desire an Act of incorporation?--Mr. Wakefield, the Member for Beauharnois, in his evidence on the petition of Eden Colville, Esquire, the Agent of the North American Association of Ireland has, I believe, stated fully to the Committee the operation and advantages of Companies, similar to that which the Petitioners now before the Committee are desirous of being empowered to form. Mr. Wakefield has also stated, the success which has attended the Companies of this nature, connected with the Australian Colonies, and the great extent to which these Companies have contributed to the extraordinary prosperity which those Colonies now enjoy. A Company of a similar nature was some time since formed in Ohio, one of the most flourishing of the adjoining States, and its success has not only given a high value to the Shares of the Stockholders; but its operation has, I have been given to understand, very materially promoted the singular success which has attended Colonization in the State of Ohio. I understand, also, that an Association has long existed in Aberdeen, which employs its Capital, in advances to persons resident in the United States, on real or personal security, on the Representation of a confidential Agent, whom it maintains in that Country. That Association is not incorporated, and its operations are therefore necessarily limited. From my personal knowledge I am able to speak with some confidence of the great benefit which would result to this part of Canada from the Establishment of a Company of this

nature in it. The improvement of Farms, and the extention of every branch of business connected with the agricultural classes, are most materially impeded by the great want of Capital which exists. The Banks are precluded by their Charters, from advancing money on mortgage, and there are but few private individuals resident in this part of Canada, who have the means of making such advances. Since my settlement, I have made repeated visits to England, and upon almost every occasion I have been solicited by persons possessing property here, either to negotiate loans on their property, or in some instances, even to offer it for sale, at prices involving great sacrifices. Sometimes the political condition of the Province was urged as a ground for a refusal to invest Capital, in the manner proposed, in Canada; but the ground most generally urged was, the extreme difficulty of obtaining sufficiently satisfactory evidence as to the title and money value of the property, and the great trouble, risk and expense, of collecting the interest, or remitting it on the avails of purchased property, to England. All these objections would be met and overcome, in my opinion, by the establishment of the Company proposed to be formed by the Petitioners.-- The extent of their operations would enable them to employ and amply remunerate an agent whose duty it would be to receive applications for loans, and to report the same to the Directors with his opinion on the legal sufficiency of the title, and the money value of the property, and under their sanction to direct the advances agreed upon by the Directors, and to see to the collection of the interest, and the enforcement of its payment, together with the principal whenever necessary. Such an agent it is not worth while of a single individual to employ, but an incorporated Company, from the extent of its operations, could employ and amply remunerate him. In this way would be ensured to non-resident Capitalists the means of making advances in this section of Canada with safety. The Capitalists engaged in the undertaking would secure a profitable investment, and to the Colony would be given the relief essential to the development of its resources, and the attainment of the prosperity, which from the natural fertility of its soil, and the advantages of its climate, and position it has a just right to look forward to."

Debentures.

The Honorable Mr. Durn, one of Her Majesty's Executive Council, laid before the House, by Command of his Excellency the Governor General,

Schedule of Government Debentures, redeemed and outstanding, issued under the authority of Acts of the Legislature of the late Province of Upper Canada.--A.D. 1842.

(For the said Schedule see Appendix E.E.)

Report on Montreal Water Works.

Mr. Holmes from the Special Committee, to which was referred the Petition of the Mayor, Aldermen,

and Citizens of the City of Montreal, respecting the Water Works in the said City of Montreal, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

(82)

Report on Montreal
Water Works.

"Your Committee having examined into the prayer of the Petitioners, and given the subject the fullest consideration, they are of opinion that the Citizens generally would be benefited by an extension throughout the City and Suburbs, of the works in question, and the dispensing of, thereby, a more copious and adequate supply of so necessary an article of life, as pure and wholesome water; but in recommending to your Honourable House, the favorable consideration of the prayer of the Petitioners, your Committee consider it expedient to suggest, that the Inhabitants of the City and Suburbs of Montreal, be guarded against the danger which might attend the conferring upon the Mayor, Aldermen, and Citizens, in their Corporative capacity, any additional right of Assessment or of enforcing a water rent, or tax, and thereby humbly suggest due provision being made in any bill, which may under the authority of your Honourable House, be introduced, to preclude the possibility of any such enactment, in any Bye Law or Municipal regulation hereafter to be determined upon by the said Corporation, in reference to the said Water Works--and that it be provided:--

First.--That no Proprietor, Householder, or other persons or parties be subjected to a Water Tax, unless he or they be actually supplied with water, and that he or they be not compelled to receive the said water, or the conducts thereof, into his or their Premises upon compulsion.

Second.--That the final purchase or settlement of the existing bargain, and the issue of the Bonds of the Corporation therefor, shall not take place or have effect until the first day of January now next ensuing. That the Inhabitants of the said City of Montreal may have a full and fair opportunity afforded them of recording their opinion upon the proposed acquisition of the said Water Works--thus devolving upon the Councillors to be elected at the now next ensuing election (which will be held on the first day of December next) as by law established, the approval, or the rejection, of the intended purchase.

And, lastly,--That all the revenues arising from or out of the supplying of water from the Establishment now sought to be acquired, shall, after providing for the interest accruing on the Bonds, and the expenses attendant upon the maintenance of the said Works, be applied towards the immediate extinction of the debt incurred by the

purchase; and that the Bonds be drawn, payable "on or before" the ultimate limit or échéance of the Bond, so as to enable the Corporation to extinguish any portion of the debt, at times convenient and beneficial to the said Corporation--without authority to apply any such surplus revenue to any other purpose."

Upper Canada Loan & Trust Company. Ordered, That Mr. Cartwright have leave to bring in a Bill, for incorporating and granting certain powers to the Upper Canada Trust and Loan Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the seventh day of November next.

Committee on Private Bills. On motion of the Honourable Mr. Moffatt, seconded by Mr. Cartwright,

Ordered, That the Standing Committee on Private Bills be discharged from the further consideration of the Petition of the Ministers, Elders, and Trustees of St. Paul's Church at Montreal, and that the said Petition be referred to the Special Committee to which was referred the Bill, to provide for the management of the temporalities of the Presbyterian Church of Canada, in connexion with the Church of Scotland, and other References.

Reports on Private Bills. On motion of the Honourable Mr. Moffatt, seconded by Mr. Cartwright,

Resolved, That the time for receiving Reports on Petitions for Private Bills, be further extended until the sixth of November next.

Montreal Water Works. Ordered, That Mr. Holmes have leave to bring in a Bill, to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday the eight of November next.

On motion of Sir Allan N. MacNab, seconded by Mr. Cartwright,

Seat of Government. Resolved, That a Select Committee be appointed to search the Journals of the Honourable the Legislative Council, with relation to any proceedings had in the present Session on the subject of the Seat of Government, and to make a Report thereof to this House; and that Sir Allan N. MacNab, the Honourable Mr. Neilson and the Honourable Mr. Sherwood

do compose the said Committee.

Barbier's naturalization.

Ordered, That Mr. Cartwright have leave to bring in a Bill, to naturalize Jacques Adrien Pierre Barbier and Euphrasie Barbier, his wife.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Returns of Process by Sheriffs and Coroners.

Ordered, That Mr. Price have leave to bring in a Bill, to render more summary the means of enforcing the returns of Process by Sheriffs and Coroners, in that part of this Province called Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the seventh of November next.

North American Colonial Association of Ireland.

Ordered, That Mr. Cameron have leave to bring in a Bill, to give further powers to the North American Colonial Association of Ireland.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the seventh of November next.

Appointments in Lower Canada since 1791. & Tabular Returns from Executive Dep.

The Honourable Mr. Boulton moved, seconded by Mr. Price, That two hundred copies of the Message of His Excellency, the Governor General, accompanied with the Returns of Appointments in Lower Canada, from the division of the Province of Quebec, in 1791, into the Provinces of Upper and Lower Canada, to the Union of those Provinces, and other Documents relating thereto, presented to this House on the 27th instant, in reply to an Address of the House of the 27th September, 1842; and also of the Tabular Return of the Departments of the Executive Government for the years 1840, 1841, and 1842, laid before the House on the same day, by command of His Excellency, the Governor General, in compliance with another Address of the 27th September, 1842, be printed in each of the English and French languages, for the use of the Members of this House.¹

MR. THORBURN objected to the motion, and thought that hon. gentlemen should consider the expense such printing would cost the House, and not incur it, unless some object of more or less importance would be gained.²

MR. BOULTON stated that the object he had in view was to correct a misunderstanding that had gone abroad - that the patronage in Lower

Canada was conferred exclusively upon one race, he moved for the return of those appointed to office, to correct this.³

MR. HINCKS did not see the use of going to the expense of printing these returns for all the information the hon. gentleman required would be already found upon the Journals of the House. He had now, however ascertained the motives of the hon. gentleman, and those were to correct a misunderstanding which he says is abroad, respecting the bestowal of the patronage of the Government in Lower Canada. He did not believe there was any misunderstanding abroad upon the subject, for it never was said, nor supposed that one race obtained all the patronage, but that one party did; and he could not see that the printing of the returns moved for would determine whether that was correct or not.⁴ ((He)) regarded the motion as nearly a direct impeachment of the government. There are deficiencies in the returns, and have been for years, but the government is applying a remedy. A member of the House (Mr. Cameron) was appointed to enquire into these matters, and he had faithfully discharged his duty, regardless of the opposition that assailed him by the Press and otherwise as a spy. He had discovered great frauds in the revenue, men who pocketted (sic) half what they received, and who were therefore dismissed. The hon. member for Niagara seems to wish to rank as a great reformer of abuses; and would take credit for all that is done by the government (laughter.) Part of the apparent deficiency arose from a change in making up the returns. There had been great carelessness formerly in collecting the revenue from this source; no returns were examined - no Custom House returns - no Inspectors returns, but they were put away assumed correct. The census returns give 1441 licenses, but the Inspector's returns give 1524. The government have prepared measures to correct these errors.⁵

MR. BOULTON was surprised at the tone of the Inspector General. Such petulance will not help him, nor those connected with him. He seems to think me so great a reformer that he is afraid I shall reform him (a laugh.) The motion was not against the government, but against the parties in default.⁶

MR. WILLIAMS said gross frauds had been committed. In the Newcastle District 100 licenses had been issued, and only 7 returned.⁷

MR. BALDWIN remarked that the Inspector General had been misapprehended, for he naturally supposed the motion was intended to censure the government.⁸

MR. CAMERON said the census returns gave 68 licenses for the Newcastle District, the 100 referred to by the hon. member for Durham were certificates not licenses. There had been great frauds in that District, £500 having been received that were not accounted for. The

officer was dismissed, and steps taken to recover the amount from his sureties. He was not aware of any frauds in any other District.⁹

MR. AYLWIN said the Government had been reproached for having dismissed men for their loyalty, but they were dismissed for robbery, -- for peculation.¹⁰

SIR A. MACNAB admitted that the Inspector General discharged his duties well, though he did not consider him the fittest person in the Province for the situation. The hon. member for Lanark had also done good service.¹¹

(82)

On motion of the Honourable Mr. Sherwood, seconded by the Honourable Mr. Neilson, Ordered, That the further consideration of the said motion be postponed until Wednesday, the fifteenth day of November next.

MR. HINCKS moved for leave to bring in a Bill to establish a more equal system of assessment to the Towns of Upper Canada.¹²

(83)

Assessment. Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill to establish a more equal and just system of Assessment in the several Townships, Towns, and Cities in Upper Canada, He accordingly presented the said Bill to the House,¹³

MR. BOULTON thought the measure should be general, and apply to Lower Canada as well. He did not see that any difference should be made between Upper and Lower Canada. He would not place a tax upon any body of people that he would not tax himself, and upon the same principle he would not tax the Upper Province without placing the same tax upon the sister Province.¹⁴

MR. HINCKS explained, and said that the hon. member evidently misunderstood the nature of the measure which he proposed. It was merely the establishing of a system of local taxation that was intended for objects connected with the place where they were imposed. There would be a similar measure for Lower Canada as well. But if the hon. member means to say that every Bill that may be introduced must apply to both sections of the Province he (Mr. Hincks) could only say that his experience, more especially since he became a member of the Government, had shewn him every day the utter impossibility of applying precisely the same system of Legislation for both sections of the Province.¹⁵

MR. JOHNSTON ((dit)) qu'il fallait introduire un Bill qui

s'appliquât également aux deux Provinces, de sorte donc, que le bout de l'oreille vient de percer.¹⁶

MR. AYLWIN said that there was no occasion for any apprehension that taxes would be imposed upon Upper Canada that would not be imposed upon the Lower Province as well. It was not designed to assess the one, and leave the other exempted, but there were different modes of doing it. It was a local affair in both sections, and would be so framed as best to suit the particular circumstances of each.¹⁷

MR. PRICE wished to ask from the members of Government, whether it was the intention of the Government to pay the remaining ten shillings in the pound, voted for the making of certain roads in the upper part of the Province.¹⁸

MR. HINCKS answered no, but they had ascertained what money had been disbursed by the commissioners of the former grant.¹⁹

(83)

and the same was received and read for the first time, and ordered to be read a second time, on Monday, the sixth of November next.

Real Estate.

*On motion of the Honourable Mr. Sherwood,
seconded by Mr. Cartwright,*

Ordered, That the Bill to afford relief, in certain cases, to sellers of Real Estate, in Canada West, be referred to a Committee of the whole House to-morrow.

Mr. Moffatt,
vacates his seat.

*The Honourable George Moffatt rose in his place and informed Mr. Speaker and the House, that it was his intention to vacate his Seat as a Member of this House, for the City of Montreal, and that in consequence of the provisions of the Act of the late Province of Lower Canada, 1st Will. IV., cap. 42, he now vacated his Seat accordingly.*²⁰

MR. NEILSON and other members ... addressed a few words to the honourable gentleman.²¹

He ((MR. MOFFATT)) appeared firm in his resolution - bowed and retired.²²

The House was thrown into confusion for a short time by this unlooked for event.²³

MR. MERRITT moved for another member to be added to the standing committee on private bills, in the room of the honourable gentleman.²⁴

(83)

Local and Municipal Authorities.

A Bill to repeal the Act in force in Upper Canada, relative to the establishment of Local and Municipal Authorities, the Regulation of Highways, the Assessment and Collection of Local Taxes, and other matters of a like nature, was, according to order, read a second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Solicitor General Small took the Chair of the Committee.

MR. BALDWIN explained the nature of the bill, which it was not intended should pass into a law, until the House had sanctioned the measure that was to be a substitute for the Act to be repealed.²⁵

SIR ALLAN MACNAB, begged to call the attention of the government to the circumstance, that only two years ago, this very bill had passed at three o'clock in the morning, by the casting vote of the chairman alone (Mr. Hopkins,) and now the house was called upon to repeal it. He (Sir A. Macnab) had no doubt that it would do so, without a dissentient voice.²⁶

MR. BALDWIN begged leave to remind the gallant Knight, that he had divided with him on that very occasion.²⁷

(83)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Solicitor General Small reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Population Returns.

Return of the Inhabitants of the District constituting Upper Canada, with the other statistical information thereof, obtained under the Act of the Parliament of the Province of Canada, for taking a periodical Census (4 & 5 Victoria, ch. 42.)

(For the said Return, see Appendix F.F.)

Towns, &c. incorporation.

A Bill to provide for the Incorporation of Townships, Towns, Counties and Cities, in Upper Canada, was, according to order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Monday next.

Secret Societies.

The Order of the Day for the House in Committee on the Bill for the discouragement of Secret Societies, being read.

*The House accordingly resolved itself into the said Committee.*²⁸

MR. ((D.B.)) VIGER was called to the chair by the Speaker ((MR. CUVILLIER))²⁹.

((MR. D.B. VIGER)) excused himself on the plea of age³⁰.

(83)

Captain Steele took the Chair of the Committee,

MR. BALDWIN explained the object of the bill to be for the discouragement of Societies, the members of which were bound together by Secret Oaths, and for the carrying this into effect to create civil disabilities. The first clause contained the principle of the bill, and he would now move for its adoption.³¹

SIR ALLAN MACNAB said there was a society which had formerly existed in this country, of a secret character, called the Toronto Alliance Society. He wished to know if the provisions of the bill were intended to apply to that society.³²

MR. BALDWIN said if that society was bound together by secret oaths, it would undoubtedly come under the provisions of the bill. Not having been a member, he could not say how far these provisions were applicable.³³

MR. NEILSON had not known any mischief to arise in his section of the Province from the existence of any secret societies; he was not as well acquainted with Upper Canada; and there might be others who had experienced in that section of the Province, evils from such a cause of sufficient magnitude, to reconcile them to the adoption of such an extreme step as that of depriving a portion of the people of that full degree of liberty which, as British subjects, they had hitherto possessed; he had certainly heard of riots, of violence and bloodshed, and a state of things like that, if produced by the causes here alledged, would call for such a measure, but besides, being one which should only be adopted in an extreme case, the bill if passed into a law, would be found extremely inconvenient, if not useless. Men may be

formed into societies without being liable to the provisions of its enactments; and find ways and means for carrying on any designs they may entertain - especially when the law is of a nature to interfere with the free exercise of their opinions. It was the duty of the Government to put down violence; it may be necessary to pass the bill before the House to enable them to do so; and if it was desired by the hon. gentlemen from Upper Canada, he should not oppose it; but in his opinion it should not be adopted but upon the most urgent necessity.³⁴

MR. ((HENRY)) SHERWOOD felt it necessary at the present stage of the bill to offer some remarks upon the general principle of the measure, and having done so, he would allow the bill to pass or not, as the House may think proper. He did not stand up as the advocate of any particular societies; he was as anxious as the hon. Attorney General, opposite, that all causes of excitement and discord should be done away with in this country, - with that view he had supported the measure which had been introduced into the House, for the suppression of party processions, as from observation, he was satisfied that processions, of that kind were attended with very bad effects; but when the hon. gentleman had carried that bill and another to regulate public meetings and now offers a third to operate against one class of the people, he must tell him that he was proceeding too far, and that the effect of his legislation would be rather to increase than diminish the evil he seeks to remedy. He should wish to observe the operations of the previous law, and see whether that was not sufficient for the purposes of its enactment - if that was not all the legislation necessary to check the evil complained of. He would now state his opinions with respect to the bill, and give the reasons why he could not vote for the measure before the House. The constituency which he had the honor to represent in that House, was a mixed constituency, composed of a large number of Roman Catholics as well as Protestants, and he felt upon some occasions, when questions were discussed affecting both, a degree of embarrassment as to the course which it was his duty to pursue; but he had no such feeling in reference to the question before the House; he had voted in favor of the previous bill, because he was in favor of the principle upon which it was based; but he did not feel that any such measure, as that now submitted to them, was required by the country; he looked upon it as establishing a system of civil disabilities, not known in any country in the world. If the society against which the bill was chiefly directed, was one having any thing treasonable or seditious in its designs, or whose principles were such as to disturb the harmony of society, he would be perfectly prepared to record his vote with the hon. and learned Attorney General; but in respect to that society, every one knew that no such objections were urged; every one knew the object for which it was originally formed, and the peculiar circumstances to which it owed its birth; objects which it was unnecessary in that House to refer to more particularly, or to

detail. The same causes, however did not exist here, nor had they existed, here, in his recollection. Yet the feelings which animated their fellow-countrymen at Home, came with them to this Province; it was not in the nature of things that a mere voyage across the Atlantic could change the character of the emigrant, or removes (sic) from his memory the associations of the past; at the same time it must be borne in mind that the societies, to which more particular allusion had been made, are based upon the principles which do not strike at any law of the country, or interfere with the rights and privileges of any of its people. He could not therefore see, if the heart-burnings and the contention engendered by the offensive displays of party banners and processions be allayed by the former bill, why it was necessary to go further and put down the liberty of the subject, in order to reach private individuals, and prohibiting their assemblage peaceably together. He would like to know, if a meeting was held in a House just below the place where we are now assembled, quietly and peaceably transacting its own business, what difference it would make whether they were told that fifteen or twenty Orangemen, or any other men, were so assembled? How could you interfere with these persons for quietly carrying on their proceedings privately in their own house, unless you prove the existence of treasonable designs. What can call for such interferences? What evil can possibly arise from permitting proceedings of that kind? Does the hon. gentleman pretend to say that if there are no party processions or any of those offensive displays which are calculated to produce improper feelings in one section of the people towards another, the country will be dissatisfied with this House should it refuse to interfere with these private and peaceable meetings? One would suppose, from reading the bill, that there was a class of men in this Province banded together to subvert the Queen's authority, and to overthrow the Government of the country and that these men were Orangemen. But this House knows that the men whom now you attempt to abridge of their rights, were those who stood forth in the hour of danger to their country - maintained the authority of their Queen - suppressed civil war, and turned back foreign invasion; and this bill is the gratitude and the reward which you now offer them for these services. (Hear, hear.) If the members of the Government were desirous of confining themselves to useful legislation, they would, before proceeding further in the matter before the House, consent to the appointment of a select committee to inquire into the objects and influence of these societies; as it was, without a petition on the table in favor of their measure, or complaint of any kind, they take up this matter for the purpose of putting down men who had served their country loyally and well. He did not say any thing in disparagement of others; the Roman Catholics had done the same; but he thought it wrong to deprive such men, by a bill of that kind, of the privilege of assembling together peaceably and quietly in their own house. - Why should they exempt Free Masons? they form a society

clearly coming within the spirit of that bill; it was said theirs was a charitable institution, and therefore no harm was intended; he would admit all that; there was no harm if the object was not unlawful; and he could see no harm in the peaceable assemblage of any body of men where the object of such meeting was not unlawful. He was not acquainted with the organization of the Orange Societies, nor with the oaths by which they were bound together. He had learned through the medium of the public newspapers that one of their chief objects, and a chief part of their oath was, that they should support the Government.³⁵

A laugh from MR. SMALL.³⁶

((MR. H. SHERWOOD continued:)) The hon. gentleman laughs, but let him point out, if he can, a single instance in which they have kept back when the Government of the country was menaced. (Hear, hear.) Their objects are not, therefore, unlawful; they meet together in the exercise of their rights as British subjects, to take into consideration such matters as they may deem it necessary to examine, or for any other object equally harmless; and any attempt to deprive them of that right can only be looked upon as a persecution; and he need not tell them that thus the measure here proposed, would not only fail in its contemplated object, but it would increase what it assumed to be an evil. Let them confine their legislation to putting down those public exhibitions which have a tendency to disturb the peace of the country, and he would go with them; but not to deprive a large portion of their fellow subjects of all civil privileges. - And for what were they thus to be deprived? Perhaps, that in politics, these men are opposed to the present administration. (Hear.) He could well understand hon. gentlemen if they urged as a reason for the adoption of this measure, that the men against whom it was directed, were banded together to subvert the Government; if such was really the case, he (Mr. S.) would be the first to go with his hon. and learned friend the Attorney General; but when the object of their association was not unlawful, he could not go with him; but he could assure his hon. and learned friend that the course which he was pursuing, in relation to these men, would raise a cry of just indignation from the people, from one end of the Province to the other. The subject before the House had engaged the attention of the people of the Mother Country; and the measures there adopted, extended only to lodges in the army, and to persons holding public situations; and what was it which called for even the adoption of that restriction? Why, the very fearful sea in which Ireland was plunged, through the strife of conflicting parties; nothing was done in England, although Orangemen were numerous in that country, and the Duke of Cumberland, one of the Royal Family at their head. He did not allude to this fact but for the purpose of showing there was nothing unlawful in their constitution. He would advise his hon. friend to let these men alone, and their societies will drop off; but legislate for their suppression and he would add strength to their organization.³⁷

DR DUNLOP had voted for putting down party processions; he did so

because he was convinced from long experience that they were wrong; he had seen the mischief which they had created, the violence and bloodshed which they had occasioned; but having voted in favor of that he would now hold his hand; he would not assist in putting down the rights of any portion of the people; every man had a right to his opinions, and he had a right to form a society with others holding like opinions to carry out those opinions; and a government which prevents him from so doing is tyrannical. What was the object of the present bill? it was to go into the homes and privacies of individuals to ascertain their political opinions, and establish a system of persecution for their opinions. When the Almighty saw fit to humble the mighty tyrant of Egypt, he did not select for that purpose, the thunder, the lightning, the earthquake, or any of the more grand displays of his power, but he chose lice, frogs and flies, as the instruments of his will; and it seemed to him something exceedingly like the plagues of Egypt had come upon us. They were told that in Egypt the river brought forth frogs abundantly, which went up into the houses and into the chambers, and upon the beds, and into the ovens and the kneading-troughs; upon the Monarch and his people and his servants, and such had been the case with us (laughter) that plague has infected this Province and is as bad as that of the Egyptians; and he wished to God we had a Moses to rid us of them. (renewed laughter.) Now, they had already passed a measure to stop those causes of irritation which had been a just subject of complaint, in rendering illegal the playing of party tunes and the displaying of party banners and badges; and he was one of the first to assist in putting an end to them; but when he said these men should not be allowed to make such displays, he never said, you must not be allowed to assemble with others to give expression to your opinion. He had never used such language. It was unworthy ((of)) a British subject. Let them meet and sing songs, give toasts, in bumpers if they like; let them keep to that and there was nothing to fear; and let us not say that those men have no claim to the rights and privileges of British Subjects. If, however, they did so, persisting in the measure, before the House, they would raise the cry of martyrdom and increase their number fifty-fold. The Orangemen were no favorites of his, but he would not say that if the bill before the House became law, he would not be an Orangeman himself. He would tell them that if they rendered it illegal for Orangemen to meet and express their own opinions, so far from effecting the object sought to be obtained, they would but build up that system which they were seeking to destroy. (Hear, hear.)³⁸

MR. PRICE. - The hon. member for the city of Toronto had said that the liberty of the subject should not be interefered with, and that the government should not do so unless some grounds of a public nature existed that required it. Now, it was well known that petition after petition had been presented praying for the suppression of Orange societies; and the reason why petitions had not flooded the House during this session was the universal belief that existed throughout the country that it was the intention of the Government to put an end to these societies; and had they not brought forward this measure, he should have accused

them of forfeiting the confidence which he had reposed in them. The hon. member had said that it was a dangerous thing to introduce laws that would abridge the liberty of the subject: he (Mr. P.) had always supported the constitutional rights and privileges of the subject, and he hoped he should always do so: but he did not think he was interfering with these rights when he supported a measure which struck at the root of one of the greatest evils in this Province, the existence of secret associations. The hon. member for Huron had said that they have a right to assemble unless the objects are unlawful.³⁹

((DR. DUNLOP said:)) Yes.⁴⁰

Then he (MR. PRICE) said that they were unlawful; that their practices were unlawful: for no man had a right to administer the oath by which they were bound. With regard to the danger of allowing secret societies to exist in the country, there cannot be two opinions. That danger has been fully exemplified throughout the Province by the violent conduct of those calling themselves Orangemen. Upon all occasions, when opportunity offered, they had shown themselves to be the disturbers of the public peace, and the most serious consequences had followed their conduct. The hon. member for Toronto said that this bill was putting down the loyal men, and asked if this was the reward for their loyalty? If he (Mr P.) knew anything of loyalty, it did not look for such rewards as some thought they should obtain; the consciousness of having performed one's duty is the best reward. Now he was quite willing to give the Orangemen the same rights and privileges that he claimed for himself; but he would not give them more than he himself got from his sovereign; neither should they ask more. This body of men are bound by an oath, and are dangerous to the peace and well-being of society. Whatever that oath may in itself be, if it contain nothing bad in it, the conduct of the parties taking it had belied them. No one would go to the poll of the county which he (Mr P.) represented without being assailed by numbers of these men banded together by secret signs and symbols. The individual was not regarded as dangerous; but it was the union of men whose power could be brought to a single point at any given time which renders them capable of doing mischief, and which ought to be broken up. He thought the Government should suppress all such societies; and a Government having the power to do it, and not using that power, would be unworthy of his support. He lately had a farm to sell which was in the neighborhood of an Orange lodge. Three purchasers offered, who said the farm was cheap, but if they purchased it, they would be obliged to live in a neighborhood where, if they differed from the Orangemen, they would not be safe. The hon. member for Toronto knows what happened in that city previous to his election. The blood there spilled was caused by the Orangemen being banded together; and after that he wondered that he would oppose any means that might be taken to suppress the instigators of such outrages. At his election some persons who were Orangemen voted for him, (and some of them are Reformers): they voted for him as a man desirous of promoting the peace and welfare of his country, and of benefiting his fellow men. The hon. member for Toronto had said that by adopting the course proposed by this bill, and putting an end to

secret societies, you persecute them and make them martyrs. He did not look at it in that light. The bill merely proposed to discountenance Orangeism; and if it proscribed them from certain privileges, it was only during the time they remained connected with such societies. By withdrawing their names, and ceasing to be members, they would stand upon an equal footing with the rest of their fellow men. If Orangemen asked no more than the rest of the community, then to put them down might be regarded as persecution. But when they ask more and band themselves together as a separate class, by an oath, and by their conduct disturb the peace of the country, then the Government is called upon to protect society from their aggressions. He would be among the last to interfere with the rights and privileges of the subject but in this case stringent measures were necessary, and he could not help returning his best thanks to the hon. member for his manliness in bringing in a bill that will prove most satisfactory to the country, preserve the peace, and harmony of society and for which he did not doubt, the Orangemen would themselves thank him, after the temporary excitement which it may at first occasion, shall have passed away.⁴¹

((MR AYLWIN)) said that, practically, of the subject before the House he could not pretend to more information than that possessed by the hon. member from Quebec. In Lower Canada he believed there were no societies of the nature to which the bill referred; but of their existence in Upper Canada the first session of Parliament had borne sufficient testimony when petition after petition was laid before the House complaining of riots, bloodshed, and intimidation; and it was impossible not to know that such societies existed in that section of the Province. During the first session, when the seat of his hon. friend for the second riding of York had been contested, he (Mr Aylwin) acting on behalf of that gentleman made application for a commission at Streetsville for the purpose of taking evidence, and he was surprised at the opposition to the motion then made; but he learned that in one portion at least of Her Majesty's dominions the majesty of the law could not be maintained; indeed he need not go far from where they were now assembled to find a spot where an unfortunate youth was killed on the last 12th of July through the existence of these societies. They had been told that this state of things existed in Ireland to a great extent. He would ask upon what ground did men who left Ireland and came to this country bring with them an institution which probably had been the cause of driving them from their native land? He had read in a paper published in the town of Kingston, the organ of these societies, that in this Province upwards of 20,000 men were bound together by secret oaths, as Orangemen. (Hear.) Was it no objection in point of fact, that such an organized body did exist in the country? It cannot be denied that it does exist. The hon. gentleman has alluded to the services rendered by this society: no member was more willing to express his thanks for such services; great praise was due them on that ground most unquestionably: and on that ground

he would ask them now, under the altered circumstances of the country, as loyal men, as men attached to the laws, whether it became them to continue an organization which had originated in a peculiar state of things, and the continuance of which here could only be attended by divisions and strife fatal to the quiet and prosperity of the country. The hon. member for Toronto said the object of these societies, was not unlawful; that he denied; could he say that the administering of oaths was lawful, or that it was necessary for men to bind themselves together by oaths to obtain their rights? Such was not the way by which rights were obtained; no; they were obtained only by open honest measures; no honest man seeks privately and secretly that to which he is in justice entitled. It was in vain to tell them that these men were associated merely on principles of loyalty. Look at the examples of history. Did they find Hampden, Russell, and Sydney, asserting the rights of the people by means of such societies? Will any man ever tell him that the very revolution commemorated by these societies was brought about by such means? No; oaths and secrecy are the means resorted to by the assassin and the conspirator. These were the means employed by the society of Jesuits, which it had been deemed necessary in Europe to put down; that was a secret society, whose motto was that the end justified the means. Even admitting the object of these societies to be good, would they consent to carry them out by bad means, or would not good objects be carried out by good means, and bad objects by bad means? The hon. gentlemen will not answer me there. The objects of these societies were not of British or Canadian origin; but of indigenous Irish growth and he could not see why it was that Irishmen assumed their loyalty to be superior to that of all others; upon what principle did they assert a claim to greater loyalty than others; did they of all others of Her Majesty's subjects make such a claim? That loyalty which did not extend as well to an obedience to the laws, as to the defence of the throne, was a mere lip loyalty. They had been told that these secret meetings were of a criminal character; but true loyalty wanted no such means to nourish it; it required no such excitement. What necessity did there exist for oaths & secrecy? They had been told the objects were lawful and good, but although that might be the case, the very security of the secrecy practiced might lead to things which were neither loyal or good; if they thought fit to nourish plots of assassination, they could do so with impunity; or a case might occur where the oath of the juryman would conflict with the oath of an Orangeman. And was not this a state of things which called for the attention and interference of the government? What would be the argument used by hon. gentlemen opposite were a measure brought in to authorise vote by ballot? would not those gentlemen say that it was derogatory to the character of the British subjects to do that in privacy which it was his pride and liberty to do openly and manfully, yet every objection which on such grounds they would urge against such a measure would apply with ten times more justice to the existence of these secret societies, and unless the evil was promptly and fully checked, he could not answer for the consequences. It was natural that the organization of one party should lead to the organization of others.⁴²

MR. JOHNSTON was not a member of any Orange Lodge, but the day upon which the bill before the house became law, he would join some one of them. (Hear). He would tell the hon. Attorney General that he never introduced a measure he would have so much cause to regret as that before the house. The hon. gentleman who had just sat down had proved his ignorance of the rules and regulations by which the Orange Societies were guided. He had spoken of their existence as engendering the worst of feelings; and other places where these men had turned out and successfully defended their country, as they were bound by the oath which they had taken to do. How deeply indebted those men must be to the guardian angels of the country on the treasury benches for this reward of their services. He could assure them they would do much more by persuasion in this matter than by legislation. He had tried it and found it always successful, and he advised them to do the same. But if the bill now before the House passed into a law, instead of diminishing what they deemed to be an evil, they would only increase it. Nothing could be effected by coercion of that kind.⁴³

MR DURAND expressed himself in favor of the bill.⁴⁴

MR WILLIAMS had advocated the bill which had already passed the House for the suppression of party processions, but he would pause before going further at present. He was desirous to give a reasonable time for the operation of the previous bill to see whether it answered the end of its enactment, and whether it was not, in fact, all that was necessary to meet the exigency for which it was designed. If, however, in defiance of the bill, parties still continued to walk in procession, and to insult the feelings of any portion of the people, he would be the first to come forward and give his support to any enactments which might be deemed necessary to carry into effect that law; but at present he thought the measure before the house at least ill-timed.⁴⁵

MR DUGGAN said, from what he had already heard advanced on the subject before the House, he was satisfied hon. gentlemen were in error in respect to Orange Societies. Before taking upon itself to legislate upon a matter so important as the present, the House should be in possession of every information on the subject, and he would like to see the suggestion thrown out by his hon. and learned friend from Toronto acted upon, and the bill referred to a select committee, in order to give the parties concerned an opportunity of being heard in their defence before they were condemned. In the absence of such information, the hon. Solicitor General East would have best consulted his position had he followed the example of the hon. member for Quebec. Admitting that he knows nothing of Orangeism in Lower Canada, and that he is not acquainted with it in Upper Canada, he had nevertheless entered upon the subject as though he were fully conversant with it, and draws his conclusions in entire ignorance. He (Mr Duggan) avowed himself an Orangeman, and he

was not ashamed of the avowal, and he would place his character against that of any member of the House and his liberality not only privately but publicly towards those who differed with him. It was true there were distinctions in society, distinctions created by usage and custom; but, generally speaking, he knew none of these distinctions which had been pointed out as the characteristics of Orangemen. Some of his constituents were Roman Catholics; and he would say that between these two classes of people socially, he drew no distinction, except perhaps that natural feeling towards those with whom he most associated which was common to all men. The Society to which he belonged was one certainly based upon loyalty; but its claim to loyalty was not an exclusive one; it was only a restriction that no man should be a member who was not a loyal man, and who was sworn to uphold the throne of the empire and maintain the Queen's authority in this colony. He would read from a book some time since published the rule on this point, and an extract, to show there was no exclusiveness, except so far as the signs and symbols by which Orangemen knew each other, were concerned.

"The Orange Society lays no claim to exclusive loyalty or exclusive protestantism, but it admits no man within its pale whose principles are not loyal, and whose creed is not protestant. The Rules of the Society are open not only to members of the Institution, but to the whole community, there is no reserve except the signs and symbols whereby Orangemen know each other, and these mysteries are essential to the proper qualification of the brotherhood to the recognition of the members and the prevention of intrusion and imposture from strangers and enemies."

The hon. gentleman then read the qualification of Orangemen as follows:

"He should have a sincere love and veneration for his Almighty Maker, productive of those lively and happy fruits, righteousness and obedience to his commands; a firm and steadfast faith in the savior of the world, convinced that he is the only Mediator between a sinful creature and an offended Creator, his disposition should be humane and compassionate, and his behavior kind and conciliatory; he should be an enemy to savage brutality and every species of unchristian conduct; a lover of rational and improving society, faithfully regarding the Protestant Religion and sincerely desirous to propagate its precepts, (i.e.) charity and good will to all men. Zealous in promoting the honor, happiness, and prosperity of his Queen and country; heartily desirous of success in those pursuits, yet convinced that God alone can grant them; he should have an hatred of cursing and swearing, and of taking the name of God in vain; he should use all opportunities of discouraging them among his brethren, and shun the society of all persons addicted to those shameful practices; prudence should guide all his action; temperance, sobriety, and honesty direct his conduct; and the laudable objects of the Association be the motive of his endeavors."

The hon. gentleman refers to the oath which Orangemen take; he should read that oath for the hon. gentleman's information, as he seemed to be altogether unacquainted with the object of Orangeism.

"I, A---B---, do solemnly and voluntarily swear, that I will, to the utmost of my power, support and defend Her present Majesty, Queen Victoria, and her lawful heirs and successors, in the sovereignty of Great Britain and Ireland, and, of these Provinces dependent on, and belonging to the said kingdom; so long as she, he, or they, shall support and maintain the Protestant Religion, and laws of this Country; that I will to the utmost of my power, defend her against all traitorous conspiracies and attempts whatever, which shall or may be made against Her person, crown or dignity; that I will do my utmost endeavors to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against her, him, or any of them; that I will steadily maintain the connection between the Colonies of British North America and the Mother Country, and be ever ready to resist all attempts to weaken British influence, or dismember the British Empire; and I will, when lawfully called on, assist the civil and military powers in the just and lawful discharge of their official duties, in repelling and subduing every enemy who may seek to disturb or injure the Queen, the Protestant Religion, or this Country in general; that I will be true and faithful to every Brother Orangeman in all just actions; that I will not wrong him, or know him to be wronged, or injured, without giving him due notice thereof, and preventing it, if in my power; that I will ever hold sacred the name of our glorious deliverer, King William the Third, Prince of Orange, in grateful remembrance of whom, I solemnly promise, if in ((my)) power, to celebrate His victory over James at the Boyne, in Ireland, on the first day of July (old style) in every year by assembling with my Brethren in their Lodge Room; that I am not nor ever will be a Roman Catholic or Papist, nor am I now or ever will be a member of any society, or body of men, that are enemies to Her Majesty, and our glorious Constitution. I swear that I have not to my knowledge or belief, been expelled from any Orange Lodge, and lastly, I do solemnly promise and declare that I will do my utmost to support and maintain the Loyal Orange Institution, obey all regular summonses, and pay all just dues, if in my power, and observe and obey all the rules and ordinances of the same; and that I will always conceal, and never in any way whatsoever disclose or reveal the whole or any part of the signs, words, or tokens, that are now about to be privately communicated to me, unless I shall be duly authorized so to do by the proper authorities of the Orange Institution, of which I am now about to become a member."

That was the oath which he had taken and which was taken by every Orangeman: was there anything in that oath of a treasonable or seditious character, or calculated to disturb the peace of the community? The hon. and learned Solicitor General has told us there is a similarity between that oath and the oath taken by the Jesuits. The statements made by the hon. and learned gentleman were calculated to mislead hon. gentlemen, especially gentlemen from Lower Canada, who confessed themselves unacquainted with the nature of these societies, and it had induced him to read the extracts which he had submitted to the house; having done so, he would read to them the oath taken by the Jesuits, and they

would at once see the difference between that and the oath taken by Orangemen:

"In the presence of Almighty God, and of all the Saints, to you my Ghostly Father, I do declare that his holiness, Pope - is Christ's Vicar General, and the only head of the Universal church throughout the Church (sic), and that by virtue of the keys given him by my Savior, Jesus Christ, he hath power to depose heretical kings, princes, states, commonwealths and governments all being illegal without his sacred confirmations, and that they may be safely destroyed. Therefore I, to the utmost of my power, shall and will defend this doctrine and his holiness' rights and customs against all usurpers, &c.

"I do renounce and disown any allegiance as due to any heretical king, prince, state, named Protestants, or obedience to any of their inferior magistrates or officers.

"I do further promise and declare that notwithstanding I am dispensed with, to assume any religion, heretical, for the propagation of the mother church's interest, to keep secret and private all her agent's counsels, &c.

"All which I, A B, do swear by the Blessed Trinity, and the blessed sacrament which I am now to receive. And I call all the heavenly and glorious host above to witness these my real intentions to keep this my oath.

"In testimony hereof, I take this most blessed of the Eucharist, and set to my hand and seal." Is there any similarity between these two oaths? If there was, he would like to see it pointed out. (Hear, hear). He had now (sic) known that the hon. Solicitor General East was ignorant of all that he had uttered. The hon. gentleman had alluded to Streetsville, and said that there the law was set at defiance, and that it was impossible that a commission could proceed in investigating the circumstances attending the election which had been contested in that riding: he denied the truth of those assertions; there was not a more quiet, orderly or respectable people than the inhabitants of that village in Canada East or West. He could go over the names of all, and challenge any of his hon. friends acquainted with that section of country to substantiate any such charge as that which had been made. The hon. gentleman said that his opinion was sustained by a majority of the house; he regretted it was so: but what did the hon. gentleman care about the opinion of the majority of that house? Was (sic) not he and his colleagues doing what they could to upset all that had been done by the majority of the house two years ago? The majority was all well, when it suited his purpose, but no longer. He hoped the subject before the house would be referred to a select committee to report upon it. If upon careful examination it was found that orangemen were so dangerous to the community as they had been represented, he could have no objections to this bill, but they should not, at least, proceed to condemn any portion of their fellow-subjects unheard.⁴⁶

MR MORRIS said that when hon. gentlemen denied the existence of orangeism, or rather the evils which flowed from that system, they had surely forgotten there was such a County in the Province as Leeds. (Hear, hear.) He could describe to some hon. gentlemen scenes which came under his own observation of a character to make them shudder. That County, through violence, was unrepresented in the Upper Canadian Parliament for a length of time and the people were deprived of the just rights in the exercise of the elective franchise. He felt bound to say, however, that the riots which occurred in that county were not attributable to persons residing within it as to bands of young men who were organized and brought into it for the purpose. At the last election, as many as eighty Orangemen recorded their votes for him, and he was sure the vote which he would give in favor of this bill, stringent as the bill was, would not be displeasing to them. He would therefore support the measure.⁴⁷

M. JOHNSTON ... voulait absolument passer son rabot sur chaque clause du bill⁴⁸.

Sa conduite a été trouvée tellement inconvenante qu'il a été rappelé à l'ordre plusieurs fois.⁴⁹

M. VIGER ... lui ((a dit)) qu'elle était une disgrâce pour la chambre.⁵⁰

Ce tripotage de l'opposition s'est continué de la sorte jusque vers une heure et demie de la nuit, lorsqu'un incident est venu mettre le comble à la confusion. Le bill était agréé (sic), il ne s'agissait plus que de remplir un blanc par le chiffre £100.⁵¹

SIR ALLAN MACNAB ((s'))y objecta avec véhémence, disant qu'il ne voyait aucun blanc dans le bill, et qu'ainsi il était impossible de le remplir puisqu'il n'existait pas.⁵²

M. BALDWIN fit observer que le bill devant le comité n'était qu'une copie imprimée, et que le blanc était dans l'original écrit à la main.⁵³

SIR ALLAN MACNAB prétendit alors qu'on n'avait pas le droit de remplir ce blanc; et comme le sens du comité était contre lui, il fit motion que le capitaine Steele laissât le fauteuil afin d'en révéler au président de la chambre. C'était une question d'ordre, et il prétendait que le fauteuil était obligé de se lever et de faire son rapport à la Chambre.⁵⁴

MR. AYLWIN ... ordered certain words, that ... had fallen from Mr. Johnston, to be taken down, with the view of his being given into the custody of the Sergeant-at-arms.⁵⁵

The member for Carlton, ((MR. JOHNSTON)) ... reminded the Solicitor-General of the position in which he was once placed himself, when

Mr. Hincks had moved for his being taken into custody, and he (Mr. Johnston) was the only one in the house that stood up in his behalf.⁵⁶

Le CAPITAINE STEELE et le preux chevalier ((SIR ALLAN MACNAB)) se sont querellés sur la question de savoir lequel des deux était dans l'ordre, et après quelques instants le comité permit au fauteuil d'en référer au président.⁵⁷

Shortly after this ... the speaker ((MR. CUVILLIER)) took the chair.⁵⁸ ((Il)) décida que le comité avait incontestablement le droit de remplir le blanc, et que s'il n'en existait pas au bill ou dans la copie, il pouvait créer ce blanc, et faire tous les amendemens qu'il voulait.⁵⁹

SIR ALLAN ((MACNAB)) maintient l'opinion contraire.⁶⁰

Le président ((M. CUVILLIER)) reprend la parole.⁶¹

((Il)) est interrompu presque aussitôt par le courtois chevalier ((SIR ALLAN MACNAB)).⁶²

Le président ((M. CUVILLIER)) le rappelle à l'ordre.⁶³

Il ((SIR ALLAN MACNAB)) répond avec véhémence en appelant le président lui-même à l'ordre.⁶⁴

On n'entend alors qu'un cri dans la chambre en faveur du président, le chevalier protestant toujours. Le désordre est complet.⁶⁵

MR. AYLWIN moved to have Sir Allan MacNab taken into custody.⁶⁶

Le président ((M. CUVILLIER)) prenant un ton de plus en plus ferme fait retentir l'enceinte de la chambre du nom de sir Allan M'Nab, en lui ordonnant de sortir.⁶⁷

Ce dernier ((SIR ALLAN MACNAB)) se penche pour ramasser sa cassette aux papiers et fait un mouvement comme pour aller vers la porte.⁶⁸

Au même instant le président ((M. CUVILLIER)) ordonne de vider les galeries.⁶⁹

Le public se retire.⁷⁰

Half a dozen hon. members spoke at once⁷¹.

SIR ALLAN MACNAB came in collision with the speaker; but apologised.⁷²

Après avoir procédé à huis-clos pendant près d'une heure, le public est admis de nouveau⁷³.

L'ordre est rétabli et la mesure passe à une grande majorité.⁷⁴

(83)

and, after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain Steele reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received at the next sitting of the House.

The Order of the Day for the House in Committee on the Bill to amend the Law relative to the Administration of Justice in Lower Canada, being read,

Administration of

Justice Lower Canada.

Ordered, That the said Order of the Day be postponed until the next sitting of the House, and that it be then the first Order of the Day.

Montreal Election

Writ.

On motion of Sir Allan N. MacNab, seconded by

Mr. Henry Smith.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Chancery, to make out a new Writ for the election of a Member to serve in this present Parliament, for the City of Montreal, in the room and place of the Honourable George Moffatt, who hath resigned his Seat.

The on motion of the Honourable Mr. Attorney Genral Baldwin, seconded by the Honourable Mr. Viger.

The House adjourned.

APPENDIX, 30 OCTOBER 1843.

((NOTICE OF PROPOSED MOTION.))

DR. DUNLOP gave notice of an address for returns of magistrates' convictions, fines, &c⁷⁵.

((QUESTION AND ANSWER RE: PAYMENT OF MUNICIPAL COUNCIL DEBTS.))

DR. DUNLOP ... asked if government intended to bring forward any measure to provide for the payment of certain debts contracted by Municipal Councils.⁷⁶

Answered, no.⁷⁷

((QUESTION AND ANSWER RE: PAYMENT OF UPPER CANADA REBELLION LOSSES.))⁷⁸

MR. PRINCE asked a question from the members of the Administration as to what line of conduct they intended pursuing with respect to the £40,000 voted by the Upper Canada Legislature for the indemnification of those who suffered losses by the disturbances of 1837 and 1838 in this Province.⁷⁹

MR. BALDWIN replied that the answer he gave on a former occasion was the only answer he could give at present.⁸⁰

((QUESTION AND ANSWER RE: WESTERN DISTRICT ROAD GRANT.))

COLONEL PRINCE enquired, whether the government intended paying the remaining moiety of the £500, granted in 1837, for the roads of the Western District. Ten shillings in the pound, had been expended,--he wished to know whether the other ten shillings were to be made available.⁸¹

MR. HINCKS on the part of the government, replied, that it was intended to apply to the House, for the sum of £160, which was the amount that had been expended on the roads, in that part of the Province, instead of £250. Beyond this, the government were not prepared to go.⁸²

((WITHDRAWN MOTION RE: PUBLIC OFFICERS' FEES.))⁸³

MR. CHRISTIE moved that an humble address be presented to His Excellency, praying that he would cause to be laid before the House the amount received on average by public officers.⁸⁴

MR. HINCKS said that the blue book contained the information the hon. gentleman seemed to want, and that would be laid upon the table of the House if it would satisfy the hon. member.⁸⁵

MR. CHRISTIE said it would & withdrew his motion.⁸⁶

((WITHDRAWN MOTION RE: SUPPLYING GOVERNMENT DOCUMENTS TO PRESS.))⁸⁷

MR. ((HENRY)) SHERWOOD moved that two copies of all printed documents be furnished by the Clerk of the House, to those connected with the public press either resident in Kingston, or who may be here reporting for the Provincial press.⁸⁸

M. MORIN saisissant à l'instant la portée de la motion s'y est opposé, faisant voir qu'elle avait déjà été décidée l'autre soir avec beaucoup de justesse dans la négative, en ce qu'elle n'était au fonds (sic) qu'une deuxième édition de la motion faite alors par le même hon. membre (M. H. Sherwood) en vue de constituer sous la sanction de la Chambre un corps payé par elle pour rapporter ses débats, ce qui lui paraissait inconstitutionnel; que la Chambre ne pouvait pas ainsi reconnaître à la presse le caractère officiel que cette mesure lui donnerait; elle s'exposerait, en le faisant, à la responsabilité des actes de la presse.⁸⁹

MR. D. B. VIGER hoped the hon. member would withdraw his motion, the Clerks were the Clerks of this House, and not of the Newspapers. If they would look to the Journals of the House of Commons they would find no precedent for this course. The Clerks were most obliging to those connected with the press, they permitted them to copy the Journals of the House, if so disposed, and furnished them with documents when asked.⁹⁰

MR. BOULTON could not agree to the motion of the hon. member, for it was unparliamentary. The case of Stockdon (sic) and Hansard must be fresh in their recollection; in which an action was brought for the publication of libellous matter printed by the sanction of the House of Commons. Suppose then that these documents contained anything libellous, which might be the case, then the Clerk would be amenable, liable to prosecution, and the House would be called upon in justice to protect him.⁹¹

MR. ((HENRY)) SHERWOOD had no desire to do anything that would interfere with the privileges of the House, or to place in the hands of the printer any documents that would compromise it. But by acting upon his motion they would only be doing what is done already, for these documents are transmitted every day. It has been said that all facilities should be afforded for making public the proceedings of the House, and all that he wanted was to insure this being done. Whenever anything is said about publishing the documents sent to this House, the case of Stockdon (sic) and Hansard is brought up as a bug-bear to frighten them. He could see nothing to prevent the lower Clerk from furnishing copies of all documents and bills to the reporters for the several Journals in attendance in the House, after they were distributed; but if his motion interfered with any of the privileges of the House he would willingly

withdraw it. He had been asked by members of the press to make this motion, who complained that facilities were not afforded them to procure the printed documents submitted to the House, and he could withdraw it. His great desire was to give that information to the public which he knew they desired. He had attempted to do this in another way and failed, and perhaps he would do so now.⁹²

MR. AYLWIN thought they had no precedent for this, and that he would object to give the printers copies of the documents by the authority of the House.⁹³

MR. BALDWIN said that he had voted with the hon. member upon a former occasion, for he was in hopes that the object could be gained with little difficulty. Some learned members had referred to the case of Stockdon (sic) and Hansard, according to the decision in that case, the consequences might be, that, if any of these published documents contained libellous matter, (although whilst they remained in the hands of the members, they were free from action,) the moment they would be sent to other individuals and published, an action would be either against the member who made the libellous statement or against the Clerk of the House. If an action was brought against the Clerk, he would call upon the House for indemnity, and he could not see how hon. gentlemen could raise (sic) the appeal. He was desirous that all possible information should go to the public as soon as possible, and this he thought might be done without running any risk of involving the consequences that he had pointed out.⁹⁴

MR. PRICE said that his object in seconding the motion was, that the information connected with the proceedings of the House, should go before the public as speedily as possible. Hon. members who have only two or three copies of each document, find these too little to give their constituents the necessary information, but if they were given to the public press then the information would be within the reach of all, if he were assured that it was dangerous, and contrary to the privileges of the House he would certainly recommend the withdrawal of the motion. The hon. member for Richelieu has said, that by the clerk furnishing these documents he would become the servant of the printers. He did not look upon it in that light, for he would only be complying with the orders of the House.⁹⁵

The Speaker ((MR. CUVILLIER)) said that from the various reasons assigned by hon. members, it appeared to him that whatever might be done to give publicity to parliamentary documents interesting to the public, should be done sub silentio.⁹⁶

((MR. HENRY SHERWOOD withdrew the motion.))⁹⁷

The Speaker ((MR. CUVILLIER)) expressed himself pleased that this had been done, and stated tht he would give such directions, sub silentio,

as would ensure the press having the documents published for general information, at the same time they were delivered to the House.⁹⁸

((WITHDRAWN MOTION RE: SELECT COMMITTEE ON REVENUE FROM LICENCES.))⁹⁹

MR. BOULTON moved that the statement of the revenue, arising from duties on Licences: Auctioneers and Auctions, Taverns, Distilleries, Ale and Beer Houses, Pedlars (sic), &c. - be referred to a committee of five members, to consist of Messrs. Williams, Roblin, Merritt and Christie.¹⁰⁰

MR. HINCKS said that he felt it his duty to oppose the motion of the hon. and learned member for Niagara, especially as he looked upon it as a direct impeachment of the Government, which he virtually charged with neglecting its duty. The hon. and learned gentleman was pleased to say in effect, that this branch of the Revenue is not properly collected, and attended to - that there are deficiencies in the amount of duty arising from tavern licences, (which he Mr. H. did not deny,) and that he would appoint a committee, of which he himself would be the Chairman, to investigate the matter, to which committee not a single member of the Government had been named. Now if the Government be incompetent to look after such matters as this, it ought not certainly to be here. He was willing to submit to any test that the hon. member or any other hon. member might require, as to the manner he had performed his duties since he came into the office which he had the honor to hold. If the hon. member would look back to the time when he, and the party with which he acted, conducted the Government of the country, when the abuses were introduced of which he now complains, - he would recollect that he was not then so anxious for inquiry. If the hon. member would look to what has been done during the last year, he would see that every exertion has been used to correct the abuses which existed in the department to which he has referred. A gentleman had been appointed as the Commissioner of Customs, to inquire into the manner in which the returns were made, and he has performed his duty in a most satisfactory manner. He has been most persevering, notwithstanding the abuse that has been heaped upon him by the press, and others, who have charged him with being a spy. He has discovered many corruptions and abuses, and the parties have been discharged, and for this reason the Government has been accused of dismissing persons on account of political differences, whilst it was notorious that they were pocketing one half of the money which ought to have gone into the public chest. The hon. member for Niagara wished to appear as a great reformer of abuses, and to take credit to himself for the reforms introduced by the Government. He, Mr. Hincks, had already explained to several members the reason of the deficiency in the returns from tavern licences. Part of it arose from a charge on the mode of making the returns. There had been great carelessness formerly in collecting the revenue derived from this source - the returns were not examined, but they were assumed to be correct. It was, perhaps, only necessary for him

to say that measures had been prepared by the Government, to correct abuses of this sort which would soon be submitted for their consideration.¹⁰¹

MR. BOULTON said that he was astonished at the tone adopted by the hon. Inspector General. If he had confined himself simply to the reasons why the motion should not be granted, it would have been all right enough, and he should have been satisfied; but by mixing his explanation up with an attack on him could serve no good purpose, either to himself or the hon. Executive connected with him in the Government. The hon. member had made a complaint against him that he was a great reformer. He (Mr. B.) supposed he was afraid he would reform him. He had no intention of interfering in any way with the Government. It was not his intention to attack the Government or to impeach them, as had been represented. He had not found fault with them, but simply suggested that the return from tavern licences, &c. should be laid upon the table of the House, without note or comment. There was no doubt but the returns were inaccurate, and his motion was directed against those making the returns, and not against the Government. The answer which the hon. member gave to him was no answer at all to the question; for he had not attempted to implicate the hon. member, and his colleagues, and he did not say that they were in any way guilty. If they had refused to give the returns, and if after that he (Mr. B.) had called for them, then there might be some appearance of his joining issue with them. But this was not done. The hon. member alluded in the course of his speech to his (Mr. B.'s) parliamentary conduct when in power; and he defied him or any man to make even an insinuation (sic) that he had not acted in precisely the same spirit then, as he did now. He then, on every proper occasion moved for returns in order to correct abuses, and that was simply the object he had in view in making this motion. But Sir, if the hon. gentleman had said that they had a measure in view for the correction of the evil complained of, then there need not have been half a dozen words upon the subject. But Sir, the hon. member who before he came into office, was a liberal reformer, now enjoys a larger salary than any one that was engaged when he (Mr. B.) was in office - more than double what he received, and he thought he might be more cautious in making attacks upon others. Those living in glass houses should not throw stones, and if the hon. member would not attack those willing to give him an honest support, he would find himself and those with whom he acts, better served in the end.¹⁰²

MR. WILLIAMS said there was no doubt but corruption existed, and fraud committed; though he did not mean to impeach the Government. When he saw the return from the Newcastle District, he had written to the Clerk of the Peace who is bound to make returns, and he sent down a copy of the licences that had been granted - that number was one hundred. Now what was the number returned to the Government in the official document? The number was seven.¹⁰³ The revenue of this district was made to appear only £230, while the district of Niagara showed a revenue of £2500 with about the same amount of population.¹⁰⁴ This must occasion a large

deficit in the revenue. Now what he desired was to investigate and find out how these errors, if not frauds, had occurred.¹⁰⁵

MR. BALDWIN thought that the hon. member for Oxford had been misrepresented by the hon. member who replied to him. It often happens that a motion is made merely to elicit information, as that generally brings out more than the simple asking of a question. When therefore the subject demands that it should be entered upon at greater length, the prevailing course is to make a motion, which is met by the Government in the manner the hon. Inspector General has done. He tells the House that frauds have attracted attention - that a Commissioner has been appointed - and that the result was satisfactory. - That they have discovered some of the frauds, and that the parties have been dismissed; all of which statements show that he is desirous of discerning all that may exist. But if this house takes the matter out of his hands, the effect of it can only be to retard the object they have in view - the discovery of fraud and punishment of those committing it. Had the hon. the Inspector General come forward and said there were no frauds - that there was no deficiency - and that all was correct when all was wrong, then the hon. gentleman might have come down and asked for a committee of inquiry. Under the circumstances of the case he would oppose the present motion. The object of it appeared to be to elicit discussion - and he (Mr. B.) thought that the hon. member would not press the motion. The remarks of the hon. In. Gen. should be satisfactory to the house. It appeared that he was actively engaged in carrying out these reforms, and it would be wrong to take the matter out of his hands by the appointment of such a committee as the motion contemplated.¹⁰⁶

MR. CAMERON was surprised that the hon. member for Niagara should have made such a motion after receiving some information which he had given him upon the subject; and he was still more surprised at the hon. member for Durham expressing himself as he had done upon the information given to the house by the hon. Inspector General. The In. Gen. had explained to the House why the number of licences was so few. And if the hon. member for Durham had informed himself properly he would have found that there are 58 returned instead of 7. He did not know how the Clerk of Peace, to whom it appears the hon. gentleman applied, had the means of making out a correct return of the licences issued. The Clerk of the Peace had the certificates, but the number of licences really taken out he could not ascertain unless from the Inspector General's office, for it often happened that certificates were obtained when there was no intention of obtaining licences, and the parties commenced selling from that time. It was true that there had been frauds committed in the Newcastle District. He had instituted an investigation and found¹⁰⁷ the Inspector for this district ... deficient in his accounts, to the extent of £500: He had, in consequence, been dismissed. The great difference between the Niagara and the Newcastle districts might be accounted for in some measure, by stating, that in the latter, the licenses in the

villages were £7 10s. - in the country, £3: while in the former, they amounted to £10, and had been materially increased in number by additional taverns on the Welland Canal.¹⁰⁸ He did not doubt but frauds were committed in other districts, but he thought they were in the fair way of being detected, and the evils corrected.¹⁰⁹

MR. THORBURN in seconding the motion did not think it would have created any unpleasant discussion. He thought the returns for Niagara District would bear comparison with any other in the country. There was a time that it was not so, but since the management of the department came under the present Inspector General, and the Commissioner of Customs, they courted inquiry.¹¹⁰

MR. MERRITT had voted against standing committees when proposed by the hon. member for Quebec, because since they were under the operation of Responsible Government, he wished to make the Cabinet responsible for the whole administration of the Government, but, in doing so he never dreamed that committees should be denied upon particular parts of the general affairs of the Government. He could not see how the present motion implied a censure upon the Government, and would support it.¹¹¹

MR. AYLWIN said that the proper course had been taken by the hon. member for Niagara, for obtaining information; and the Inspector General had given an explanation which ought to be satisfactory. He did not think therefore that the motion should be pressed. The Government acknowledged that frauds existed, some of which had been found out - and parties had been dismissed; and the Government had been furiously assailed by the opposition as having dismissed men for their loyalty, when they were dismissed for practicing a system of fraud and speculation. It was admitted on all hands that there was no more zealous and energetic officer than the present Inspector General - that he had discharged the duties of his office with much credit to himself and advantage to the country, and he deserves the best thanks of the country for the searching inquiry which he has instituted, and the discoveries he has already made of frauds practised upon the public revenue. He would therefore oppose the present motion.¹¹²

SIR ALLAN MACNAB did not believe that any thing could be said of the Inspector General. He believed he discharged the duties of his office well. He had certainly no reason to find fault with him. Although he thought there were other men in the Province that could do it quite well. And he thought the Commissioner had also done his duty. He had no charge against him. But the hon. Inspector General would have better consulted his position if he courted inquiry instead of opposing it. The hon. member for Durham, a member who generally supports the Government, has said that a true return of the number of licences has not been given. And are we to be told that when the public accounts are sent down that we

are not to have a Committee of investigation. He considered the Committee which the hon. member had moved for, a very proper committee, one that would give the Inspector General every justice, and he ought not to have opposed it.¹¹³

The motion was withdrawn ((by MR. BOULTON)).¹¹⁴

FOOTNOTES - 30 OCTOBER 1843.

1. The debate on this motion was reported in: BATHURST COURIER, 14 November 1843; and KINGSTON CHRONICLE, 1 November 1843.
2. KINGSTON CHRONICLE, 1 November 1843.
3. IBID.
4. IBID.
5. BATHURST COURIER, 14 November 1843.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. KINGSTON CHRONICLE, 1 November 1843.
13. The debate on this matter was reported in: BATHURST COURIER, 14 November 1843; KINGSTON CHRONICLE, 1 November 1843; BRITISH COLONIST, 3 November 1843; and L'AURE, 2 November 1843.
14. KINGSTON CHRONICLE, 1 November 1843.
15. IBID.
16. L'AURE, 2 November 1843.
17. KINGSTON CHRONICLE, 1 November 1843.
18. IBID.
19. BATHURST COURIER, 14 November 1843.
20. The debate on this matter was reported in: BRITISH COLONIST, 3 November 1843; LA MINERVE, 2, 4 November 1843; MONTREAL GAZETTE, 2 November 1843; BATHURST COURIER, 14 November 1843; and L'AURE, 2 November 1843. All of these papers provide commentaries.
21. BRITISH COLONIST, 3 November 1843, which noted that the speakers were "apparently taken by surprise."
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. The debate on the following was reported in: LA MINERVE, 2, 4 November 1843; MONTREAL GAZETTE, 2 November 1843; BATHURST COURIER, 14 November 1843; LE CANADIEN, 17 November 1843; KINGSTON CHRONICLE, 1, 4 November 1843; and BRITISH COLONIST, 3 November 1843. All the above contain commentaries. This debate lasted until about 3 o'clock in the morning, becoming especially violent at about 1:30.
29. MONTREAL GAZETTE, 2 November 1843.

30. IBID.
31. KINGSTON CHRONICLE, 1 November 1843.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. IBID.
37. IBID.
38. IBID.
39. IBID.
40. IBID.
41. IBID.
42. IBID.
43. IBID.
44. KINGSTON CHRONICLE, 4 November 1843.
45. IBID.
46. IBID.
47. IBID.
48. LA MINERVE, 4 November 1843.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. BRITISH COLONIST, 3 November 1843.
56. IBID.
57. LA MINERVE, 4 November 1843.
58. BRITISH COLONIST, 3 November 1843.
59. LA MINERVE, 4 November 1843.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.
65. IBID.
66. BRITISH COLONIST, 3 November 1843.
67. LA MINERVE, 4 November 1843.
68. IBID.
69. IBID.
70. IBID.
71. BRITISH COLONIST, 3 November 1843.
72. IBID.
73. LA MINERVE, 4 November 1843.
74. IBID.
75. BATHURST COURIER, 14 November 1843.
76. IBID.
77. IBID.
78. The debate on this withdrawn motion was reported in: BATHURST COURIER, 14 November 1843; and KINGSTON CHRONICLE, 1 November 1843.

79. KINGSTON CHRONICLE, 1 November 1843. "The hon. member was not aware that the same question had been asked by another member, and an answer returned."
80. BATHURST COURIER, 14 November 1843.
81. BRITISH COLONIST, 3 November 1843.
82. IBID.
83. The debate on this withdrawn motion was reported in: BATHURST COURIER, 14 November 1843; and KINGSTON CHRONICLE, 1 November 1843.
84. BATHURST COURIER, 14 November 1843.
85. KINGSTON CHRONICLE, 1 November 1843.
86. BATHURST COURIER, 14 November 1843.
87. The debate on this withdrawn motion was reported in: KINGSTON CHRONICLE, 1 November 1843; BRITISH COLONIST, 3 November 1843; MONTREAL GAZETTE, 2 November 1843; and LA MINERVE, 4 November 1843.
88. KINGSTON CHRONICLE, 1 November 1843.
89. LA MINERVE, 4 November 1843.
90. KINGSTON CHRONICLE, 1 November 1843.
91. IBID.
92. IBID.
93. IBID.
94. IBID.
95. IBID.
96. IBID.
97. IBID.
98. MONTREAL GAZETTE, 2 November 1843. The fifth member was not named.
99. The debate on this withdrawn motion was reported in: KINGSTON CHRONICLE, 1 November 1843; BRITISH COLONIST, 3 November 1843; and LA MINERVE, 4 November 1843.
100. BRITISH COLONIST, 3 November 1843.
101. KINGSTON CHRONICLE, 1 November 1843.
102. IBID.
103. IBID.
104. BRITISH COLONIST, 3 November 1843.
105. KINGSTON CHRONICLE, 1 November 1843.
106. IBID.
107. IBID.
108. BRITISH COLONIST, 3 November 1843.
109. KINGSTON CHRONICLE, 1 November 1843.
110. IBID.
111. IBID.
112. IBID.
113. IBID.
114. BRITISH COLONIST, 3 November 1843.

TUESDAY, 31 OCTOBER 1843.

(83)

4 Petitions
brought up.

The following Petitions were severally brought up and laid on the Table:--

By Mr. Holmes--The Petition of Narcisse Valois and others, Inhabitants of the County of Montreal.

By Mr. Leslie--The Petition of Fleury St. Jean, and others, Censitaires of the Fiefs Closse and La Gauchetière, in the City of Montreal.

By the Honourable Mr. Attorney General Baldwin--The Petition of Reuben White, of the Township of Sidney, in the District of Victoria.

By Sir Allan N. MacNab--The Petition of Thomas Fingland and others.

Petitions referred. Resolved, That the Petition of John Harris and others, Inhabitants of Grimsby and other Townships, in the District of Niagara, presented to the House on the seventeenth instant, be referred to a Select Committee composed of Mr. Merritt, Mr. Thorburn, Mr. Thompson, Mr. Powell, and the Honourable Mr. Boulton, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Edwin Pridham and others. Ordered, That the Petition of Edwin Pridham, and others, inhabitants of the Township of Grenville, on the Ottawa River, presented to the House on the nineteenth instant, be referred to the Select Committee to which was referred the Petition of George Bridgman and others, Leather Manufacturers and Dealers, in Canada East, and other References.

First Report on Mr. Morris, from the Standing Committee on
Printing. Printing, presented to the House the First Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Agreeably to the practice followed during previous Sessions, your Committee received Tenders for performing the daily Printing of the House, during the present Session, in the French and English Languages, and the Tenders of Desbarats and Derbishire, and Edward John Barker, being the lowest, your Committee directed the Clerk of the House to give the Printing in the French language to the former, and that in the English language to the latter; the said parties having been required to furnish good and sufficient sureties for the speedy and correct performance of the work; to all of which your Committee pray the concurrence of your Honourable House."

Ordered, That the said Report be referred to a Committee of the whole House, on Tuesday next.

(84)

Russell contested
Election.

According to Order, the Honourable Mr. Sherwood, Nominee for the Petitioners, in the matter of the

contested Election for the County of Russell, laid before the House a List of Witnesses on the part of the Petitioners, which was read by the Clerk, as followeth:--

List of Witnesses to be called and produced on the part of the Petitioners, against the Return of the Sitting Member for the County of Russell:--

Edward Mulloch, EsquireBy-Town.
The Honourable Thomas McKayNew Edinburgh.
James Johnston, EsquireBy-Town.
Christopher Armstrong, EsquireBy-Town.

Mr. Noel, Nominee for the Sitting Member for the County of Russell, according to order, also handed in a List of Witnesses on behalf of the said Sitting Member, which was also read by the Clerk, as followeth:--

Names of Witnesses on behalf of the Sitting Member for the County of Russell.

James Johnston, Esquire.
George Patterson.
Archibald McDonell, Esquire
William Smyth, Esquire.
Christopher Armstrong, Esquire.
B. Billings, Junior, Esquire.

Sixty-seventh
Rule dispensed
with.

Ordered, That the Honourable Mr. Boulton have leave to lay before the House a Petition of the Honourable S. B. Harrison.¹

to allow Mr. Harrison (late Secretary West) to practice law in this Province.²

(84)

and that the sixty seventh Rule of this House respecting the presentation of Petitions for Private Bills, be dispensed with, so far as relates to the said Petition.

The said Petition was accordingly laid before the House.

Third Report
on Contingencies.

Mr. Thorburn, from the Standing Committee on Contingencies, presented to the House the Third Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee beg to report that the accompanying Tradesmens' Accounts for the present Session (a Schedule of which is annexed), amounting to two hundred and eighty-one pounds, nineteen shillings and eleven pence half-penny, have been audited and found correct, and therefore

recommend, that the Clerk of your Honourable House be authorized to pay the same out of the Funds now in his hands for such purposes.

Accounts during the Third Session of First Parliament.

<u>D. Smith</u> , Carpenter, (appraised Acc't)	£173	18	3 $\frac{1}{2}$
<u>D. Gleeson</u> , Whitewashing, (appraised Account).....	15	18	3
<u>J. Kay</u> , Labour	9	0	0
<u>J. Milner</u> , Mason	15	4	2
<u>G. Brown</u> , Architect	12	2	0
<u>James Powell</u> , Tinsmith, (appraised Account)	50	17	9
" <u>Toronto Star and Transcript</u> ,"	3	4	6
" <u>Cobourg Star</u> ,"	1	15	0
	<u>£281</u>	<u>19</u>	<u>11$\frac{1}{2}$</u>

Ordered, That the said Report be referred to the whole House on Friday next.

Report on
Cataraqui Bridge
Company.

Mr. Cartwright, from the Special Committee to which was referred the Petition of the President, Directors, and Stockholders, of the Cataraqui Bridge, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"That the Charter of this Company, of the late Province of Upper Canada, 8 George 4, cap. 12, has been examined, and they have ascertained that there is an error in the twenty-fourth Clause wherein a reference is made to the fifth Clause instead of the sixth clause, whereby the remedy intended to be granted is in operation. They therefore report that it is desirable to amend the law as prayed for and a few amendments as prayed for by the Petitioners."

Cataraqui
Bridge.

Ordered, That Mr. Cartwright have leave to bring in a Bill, to amend the Charter of the Cataraqui Bridge Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Fifth Report on
Private Bills.

Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Fifth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have considered the Petition of George Adams and others, which states, that in consequence of the insertion in the Act incorporating the Bank of the Niagara District, of a clause declaring the Stockholders therein liable for the debts of the Company, to the extent of double the amount of their subscribed shares, the Capital Stock of the said Bank has not yet been subscribed. Your Committee therefore recommend that an Act be passed extending the time for receiving subscriptions to the Capital Stock of the said Bank, to eighteen months from the passing thereof, and two years for the paying up the subscriptions for the same."

Ordered, That when this House doth adjourn, it will adjourn until Thursday next.

Report on petition
of Inhabitants of
Stanstead.

Mr. Child, from the Special Committee to which was referred the Petition of Uriah Jewitt, and other Inhabitants of the County of Stanstead, praying for the preservation of the Fish called "Lunge" or "Maskinongé," during the spawning season, to extent the Enquiry and consider whether it would not be well to provide a general measure of that kind for the preservation of all kinds of Fish in the fresh waters of Canada, during the spawning season, with power to report from time to time, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have examined the Petition referred to them, and have taken the testimony of several Members of Your Honourable House, who reside in that part of the Province, respecting the prayer thereof, and also the Salmon Fisheries in the District of St. Francis, and have come to the opinion, that the prayer of the Petitioners ought to be granted; and also that the Salmon Fish should not be prevented from running up the St. Francis, and other Rivers in the said District, to the places where they lay their spawn. And Your Committee recommend that the Chairman move for leave to introduce a Bill providing for the above purposes.

Your Committee have also extended their enquiries, in obedience to the order of Instructions of the twelfth instant, of your Honourable House, with a view to provide a general measure of this kind, and have addressed certain Queries to many of the Members of your Honourable House, who reside in various parts of the Province, and have obtained some answers thereto. And your Committee have come to the opinion that no general measure of this kind is immediately called for, nevertheless your Committee are fully persuaded that while many valuable Fish are taken in considerable quantities for the consumption of the Inhabitants, it will be necessary to preserve such kinds of Fish during the spawning

(85)

season, whenever it is prayed for by the Inhabitants of the shores of the

numerous Lakes, Rivers, Creeks, and Bays, with which Canada so much abounds."

Stanstead Fishing Bill.

Ordered, That Mr. Child have leave to bring in a Bill, for the better preservation of certain species of Fish in the rivers and waters of the Counties of Stanstead, Sherbrooke, Missisquoi, and Shefford.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday, the tenth of November next.

On motion of Mr. Prince, seconded by the Honourable Mr. Sherwood,

Russell Election.

Ordered, That the Committee appointed to try the merits of the Petition of Alexander Findlay and other Electors of the County of Russell, complaining of the undue Election and Return of William Stewart, Esquire the sitting Member for the said County of Russell, have leave to adjourn until Monday, the sixth of November next, at eleven o'clock, A. M., on the ground that the Returning Officer is not in attendance to give his evidence, and that he cannot arrive here for that purpose, before Sunday next.

Ottawa Courts.

Ordered, That Mr. D. McDonald have leave to bring in a Bill, to confirm and make valid certain official Acts in the Offices of the Registrar, Clerk of the Peace, Clerk of the District Court, and Registrar of the Surrogate Court in and for the District of Ottawa.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Niagara Bank.

Ordered, That Mr. Merritt, have leave to bring in a Bill to amend the Act Incorporating the Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the stock of the said Bank.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

Divisions City of Toronto, and Towns.

Resolved, That a Select Committee, composed of the Honourable Mr. Attorney General Baldwin, the Honourable Mr. Dum, the Honourable Mr. Sherwood, Mr. Price, the Honourable Mr. Harrison, Mr. Henry Smith, Sir Allan N. MacNab, Mr. Harmannus Smith, the Honourable Mr. Boulton, Mr. Merritt, Mr. G. Sherwood, Mr. Morris, Mr. Chesley, Mr. McLean, Mr. Williams, Mr. Crane, Mr. Boswell, Mr. Roblin, the Honourable Mr. Killaly, and Mr. Parke, be appointed to enquire into the present limits and divisions of the City of Toronto, and the different Towns and Villages

having Police Regulations in Upper Canada, and into the expediency of amending the same or any of them; to report, from time to time as to the limits and divisions which it may, in their opinion, be expedient to establish for the said City and the said Towns and Villages respectively, or for any of them, with power to send for persons, papers and records.

On motion of the Honourable Mr. Neilson, seconded by Mr. Parke,

Late General
Election, Lower
Canada.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of any correspondence between the Provincial Government and Mr. Nicholas Fullam, or between the Provincial Government and any Public Officer or Officers, Member or Members of the Legislature, or other person or persons, during the period of the late General Election in the late Province of Lower Canada, concerning the manner in which the said Election was conducted, and the fixing of the places of Election.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

Kingston Marine
Railway.

Ordered--That Mr. Henry Smith have leave to bring in a Bill to alter and amend the Act of the Incorporation of the Kingston Marine Railway

Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of the Honourable Mr. Boulton, seconded by Sir Allan N. MacNab,

Niagara Canal
Company.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing the second and fourth sections of an Act passed in the Parliament of Upper Canada, in the second year of the Reign of His late Majesty, King William 4th, intituled "An Act to repeal part of and amend the charter of the Niagara Canal Company," and for amending the provisions thereof.

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Cameron reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the second and fourth sections of an Act passed in the Parliament of Upper Canada, in the second year of the Reign of His late Majesty, King William the Fourth, intituled "An Act to repeal part of and amend the Charter of the Niagara Canal Company," and for amending the provisions thereof.

Ordered, That the Honourable Mr. Boulton have leave to bring in a Bill to alter and amend the Charter of the Niagara Canal Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of the Honourable Mr. Black, seconded by Mr. Cartwright,

Imperial duties
(Copyrights.)

Resolved, That this House will, on Tuesday next, resolve itself into a Committee of the whole House, to consider the expediency of

presenting an Address to Her Majesty, respecting the Imperial Duties payable upon the importation into this Province of Works promoting useful information, and not issuing from the British Press.

MR. ((HENRY)) SHERWOOD³ said, in pursuance of a notice which he had given a few days since, he begged to call the attention of the House to one of the most important subjects which could possibly be submitted for their consideration; he need scarcely say, he referred to the subject of emigration, or as it may more appropriately be termed, Colonization. It is one which has already engaged much attention both in this Province and in the mother country, but the misfortune was, that it had been pursued without any kind of system, and the consequence was, that even where advantages had flowed from it, they had frequently been attended by evils of nearly equal magnitude. His object, he said, now, was to endeavor to adopt some means by which a steady emigration to this country might be encouraged and rendered beneficial not only to the parties coming into this Province, but to the Province itself; and as a preliminary step, he intended to move for the appointment of a select Committee to enquire into the subject, and give to this House the result of their deliberations, with such suggestions as in their judgment will have a tendency to accomplish the object in view. He did not contemplate in any plan he had formed to recommend the appropriation of money to pay the passages and expenses of emigrants to this country. What he desired was to require the requisite means to carry out the internal improvements of the Province and in that way enhance the value of property & encourage the speedy settlement of the country. It was no doubt in the recollection of all hon. members that among the objections which he (Mr S.) had urged against his Excellency's speech from the throne was this, that his Excellency omitted entirely to notice this subject; and it would no doubt be further recollected that at an early period of the session he asked the hon. gentlemen upon the Treasury Benches whether it was the intention of

government to take this subject up, and that he was informed no such intention existed. He therefore felt it his duty to lose no time in bringing the subject under the attention of Parliament, though he regretted that one of so much importance had not been undertaken by some hon. gentleman of more ability and greater experience in such matters. He had already said that it was not his intention to propose the expenditure of money to defray the expense of emigration to this country: his object was to induce them to come here by holding out advantages to them after their arrival, and he could conceive nothing which would tend more to accomplish this end than improving the roads and other internal communications throughout the country. The expenditure of money for these purposes would afford employment to laborers, and to men of small capital and agriculturists it will afford facilities and advantages which do not now nor ever have existed.

During the present session of Parliament this House had passed a bill for the protection and encouragement of agriculture, a measure in the estimation of many of every doubtful expediency: had they instead of adopting that course, turned their attention towards obtaining money to be expended in opening and repairing the roads, they would have done infinitely greater service to the Farmers of the country. The want of these conveniences, it was acknowledged on all hands, was an universal subject of complaint, & no measure would be more grateful to the people of this country than one which could afford them relief in that respect: here then was a field in which hon. gentlemen could be usefully and profitably engaged, and here, he conceived to be the means of that employment to emigrants to which he had already alluded. He now proposed the appointment of a committee to enquire whether some system might not be adopted to effect this object and for that purpose to obtain a loan of two millions of money to lay out on public improvements. They had heard in the speech from the Throne that on the recent visit of His Excellency to the Eastern townships of the Province, the only complaint made was, the want of roads: and His Excellency tells them, and tells the country, that under present circumstances he can do nothing for their relief. Hon. gentlemen knew well, also, that in the west the same complaint had been loudly urged. The government had encouraged the emigration of the poor of Great Britain, and had settled them on wild lands at a distance from any market, and where they could not sometimes even reach a miller in consequence of the roads being impassable. A road had been in contemplation, stretching from Toronto to Lake Huron, from which the greatest advantages were anticipated, and not only that, but might have been realized. Another road was projected from Kingston to Perth, with the view of opening up the back townships of this and the adjoining districts; but these intentions had not been carried out. Every one knew that generally the roads throughout the country were in that state in which farmers at many seasons were unable to pass over them; and yet, with such a state of things staring them in the face, there was no effort at relief. He would ask the House this question: can they conceive a measure more grateful to the country than the making of good roads? There

were instances mentioned in Lord Durham's report of persons not being able, on account of the state of the roads, to procure even the ordinary necessities of life; and this was properly considered a grievance demanding immediate remedy: yet not one effort had been made by the government for the relief of such cases; and if one were to judge by the apathy apparent on the subject, the state of the roads was a matter of the most perfect indifference to the gentlemen who occupy the ministerial benches. His (Mr Sherwood's) object was to see whether they could not get a loan of two or three millions from the Imperial Government; and he would propose placing the waste lands of the crown and all unsurveyed lands at the disposal of the government for that purpose, as a security for the payment of the principal and interest. In the southern colonies they were paying for the transit of emigrants out of the public lands, but he proposed, in his opinion, a better course; a plan in the carrying out of which the money would be expended in this Province, and afford encouragement to emigrants to come and settle here. He could not conceive of anything more advantageous to the Country, and regretted that some hon. gentleman more acquainted with the subject than he was, had not taken up the question. It was one which, if successfully prosecuted, would prove of more good to the country than the whole legislation of the last forty years. He was glad to see it was not a party question; that all seemed desirous at least to enquire into its merits. Efforts were being made in England to further this object, and he could not but observe that in his opinion if the Provincial Legislature would provide the security, the Imperial Government would advance money for the purposes which he had pointed out. It was the interest of England to do so; and even more than that, for were that sum a gratuity instead of a loan it would be amply repaid in the results which its application in the manner pointed out would produce. From the system which has recently been adopted in the United States the export trade of Great Britain to that Country is rapidly declining, nor is the decline confined to the neighboring Republic; and the statesmen of England are beginning to learn that to her Colonies must they look as the outlets for her manufactures. The consequence of a systematic emigration to this Country, attended by the proposed improvement of its internal communications, the opening of roads, and the settlement of wild lands, must necessarily be a largely increased consumption of the manufactures of the Mother Country, while the impetus thus given to our agriculture by removing the difficulties which now chiefly impede its progress would furnish us with sufficient to export to meet our imports, and would prove alike beneficial to the Colony and the Mother Country. The subject was engrossing much attention in the Parent State, and when such was the case, why should they be silent or quiescent in reference to the matter? With these views and with the object which he had explained, he had brought the subject before the Legislature. He was prepared to lay before the committee to be appointed a plan which he deemed calculated to effect that object; and he was glad to find some members connected with the government at least ready to act with him in the design now stated to the House. The hon. gentleman

concluded by moving for the appointment of a committee.⁴

MR. MORIN dit qu'il avait une vive satisfaction à espérer et à croire que l'Angleterre introduisait dans ses vues de politique coloniale une bien grande amélioration sur le passé. Au lieu de chercher à imposer forcément à ses sujets d'origines diverses des institutions et des habitudes auxquelles ils n'étaient pas accoutumés ou même qui leur répugnaient, la Métropole, par une heureuse réaction de l'opinion publique, commençait à croire que c'était en favorisant toute l'énergie et la capacité d'une population plutôt qu'en la froissant, qu'on pouvait la faire contribuer au bien général de l'Empire et en même temps travailler à la perpétuité de son propre bonheur. Les espérances de l'Honorable Membre pour Toronto, que l'on pourrait obtenir du Gouvernement Britannique comme don, ou à des conditions faciles, les moyens d'accroître le défrichement et l'amélioration de ce pays, procédaient de la même pensée sur la justice et la libéralité qui devaient distinguer à l'avenir les mesures adoptées envers le Canada, et il voyait aussi avec plaisir que dans les plans que l'Honorable Membre n'avait encore qu'imparfaitement développés, il n'avait pas omis la colonisation de la portion surabondante des Canadiens-Français, dans quelque partie accessible du pays, d'après le système qui convenait le mieux aux sujets de Sa Majesté de cette origine, et qui avait présidé d'une manière avantageuse à l'amélioration primitive du pays. Les Canadiens-Français en formant de nouveaux établissements, et en voyant que non seulement ils trouveraient des facilités à obtenir des terres, mais qu'on leur procurerait des moyens additionnels pour pénétrer jusqu'aux terres incultes et pour les mettre en valeur, seraient pénétrés de reconnaissance, et l'on ne pouvait attendre que d'heureux résultats de cet ordre de choses. Par le passé, l'éloignement des terres destinées à la colonisation, les octrois injudicieux et les réserves qui pesaient sur le nouveau colon, les terres appartenant à des absents entremêlées aux autres, la nécessité de payer comptant le prix des terres, et plus que tout le reste, les efforts qui avaient été faits pour priver de leurs lois et de leurs arrangements sociaux ceux de ses compatriotes de même origine qui auraient été disposés à abandonner le toit paternel pour aller s'établir au loin, avaient contribué à créer des obstacles presque insurmontables. La loi telle qu'elle était actuellement n'offrait pas encore de grandes facilités, mais on pourrait la changer. Pour lui, il se réjouirait de voir les habitants du Canada de toute origine prospérer et s'accroître, à l'aide des moyens que chaque civilisation laissée à son libre essor présentait au Gouvernement appelé à opérer le changement dont il parlait. Alors, contents de leur sort, les habitants Canadiens-Français et leur postérité, se féliciteraient de faire partie de l'empire, et en commun avec leurs concitoyens d'origine anglaise tendraient de tous leurs efforts à effectuer l'amélioration de la condition morale et physique du pays, sous une même et commune allégeance. La politique libérale à laquelle il faisait allusion était destinée à avoir un immense effet.

C'était par le commerce et non par les souffrance (sic) des peuples

qu'en effet, en Canada comme ailleurs, là étaient sa force, son avenir et sa gloire. En augmentant la population de cette colonie, elle s'assurait pour ses manufactures des consommateurs amis, et elle ne pouvait en voir aucune partie d'un plus mauvais oeil parce qu'elle resterait attachée aux lois et aux institutions qu'elle avait reçues de ses ancêtres. La politique commerciale adoptée envers le Canada dans les derniers temps, était en harmonie avec un système (sic) nouveau, qui, mutuellement avantageux à toutes les parties, accroîtrait encore l'empire des libertés britanniques.

Il comprenait que l'Honorable Membre pour Toronto fondait son plan sur une disposition présumée du Gouvernement Anglais à faire les avances pécuniaires pour améliorer les voies de communication à travers le pays, afin que la population s'y portât plus rapidement, et que ces avances seraient probablement en partie gratuites, mais aussi en partie fondées sur des garanties locales qui n'affecteraient en rien les ressources financières actuelles de la Province. Il n'avait aucune objection à ce que les Districts ou les Comtés qui voudraient profiter d'une part proportionnelle de ces avances à venir, adoptassent les moyens de les racheter. Mais il était entièrement opposé à toute mesure qui en définitive ne serait qu'un autre emprunt d'un million et demi, ou de deux millions, dont la Province resterait endettée. Ce n'était pas là non plus le plan de l'Honorable Membre pour Toronto. La garantie sur les terres publiques, d'après un arrangement équitable envers les deux ci-devant Provinces et envers les deux populations, présentait des difficultés dans les détails, mais elle ne lui paraissait pas impossible, et dans tous les cas il était bon que cette partie du sujet fût comprise dans les délibérations du Comité qu'on proposait de nommer.

Il devait dire cependant que la population canadienne-française était compacte dans presque tous les établissements, que les chemins y étaient dans un état assez avancé, et ouverts partout, et qu'ainsi des voies plus coûteuses de communication à travers ces Districts tendraient peu à une colonisation plus dense dans les lieux où elles passeraient, en même temps qu'il ne serait pas juste de faire peser le paiement et la garantie des sommes dépensées sur ces mêmes Districts qui en profiteraient peu. Dans le Haut-Canada au contraire, même dans les Districts les plus avancés, un grand nombre de terres incultes se trouvaient partout interposées entre les lots améliorés, par suite du système de colonisation adopté. Ainsi là une somme d'argent dépensée en améliorations publiques, co-ordonnées avec un système propre à forcer le défrichement des terres tenues en spéculation, profiterait à tout le District et y amènerait un surcroît de population. Chaque District du Haut-Canada pouvait donc à son gré prendre sa part d'un octroi impérial avec avantage, et s'en déclarer responsable. Dans le Bas-Canada, au contraire, la chose était impossible pour les Comtés en Seigneuries, presque entièrement habités, et où d'ailleurs on ne trouvait à proximité que très peu de terres publiques qu'on pût coloniser ou qu'on pût donner pour garantie d'un emprunt.

De là résultait comme conséquence que dans la mesure projetée, pendant qu'on pourrait laisser les Districts du Haut-Canada, et aussi peut-être ceux des Townships de l'est, à même de profiter séparément de ce qu'il comprenait être l'attente de l'Honorable Membre pour Toronto, il conviendrait de réserver au delà des établissements actuels, une proportion suffisante de terres pour l'établissement de la population du Bas-Canada, sous un système qu'elle préférerait, et aussi de réserver une partie des deniers obtenus, sous la garantie seulement de ces terres nouvellement ouvertes à l'établissement, pour ouvrir des moyens de communication jusqu'à ces mêmes terres et à travers icelles, et aussi pour activer les établissements au moyen d'avances pour la bâtisse d'Eglises et de Moulins, chose la plus propre à fixer la population.

Cette mesure, ainsi que l'avait dit l'Honorable Membre pour Toronto, n'était pas une mesure de gouvernement ou d'opposition, mais d'une enquête à l'égard d'un sujet important, sur un terrain (sic) neutre. De là il résultait que ni lui-même individuellement comme Membre de l'administration, ni ses Collègues, ne faisaient de la nomination d'un Comité une proposition ministérielle, encore bien moins qu'ils fussent engagés à appuyer ou à adopter définitivement telles ou telles vues ou conclusions. Mais il était satisfait de voir une enquête proposée, et y accédait bien volontiers.⁵

MR. WAKEFIELD said the embarrassment that he always felt in addressing the House, was increased on the present occasion, in consequence of his having to follow the able speeches of the honorable mover and of the Commissioner of Crown Lands. Of the latter speech he would only say, that he wished it had been as well understood by every member of the House as it was highly appreciated by him. It was not his intention to follow the honorable and learned member for Toronto through the various topics of his interesting speech; but there were two parts of the subject on which he was desirous of addressing the house, because he imagined that his opportunities of gaining information, and forming a well considered opinion with respect to them, had been superior to those of the honorable and learned gentleman. The two points to which he alluded were, first, the disposition of the Imperial Country to afford some aid in the adoption of an improved system of colonization for Canada; and secondly, the necessity, which he believed to exist, of combining with any general scheme of colonization, some plan by which the French Canadian portion of Her Majesty's subjects in the Province might be enabled to spread beyond the narrow limits of their present territory. But before entering on these two subjects he ventured to congratulate the house upon the no-party character of the motions and of the discussion so far as it had gone. The speeches of the honorable members who had preceded him showed that it was the intention of all parties to abstain from the use of party weapons on this occasion. During the short time that he had the honor of a seat in that house, he had frequently perceived that it was the serious wish of the house to be guided in their proceedings by the example of

the British House of Commons. They were tonight strictly adopting an almost invariable practice in British legislation; namely that of divesting economical questions - questions which affect the material interests of all alike - of a party character. An instance or two might be cited. - The celebrated Bullion Committee, which reformed the currency of England, was named at the instance of Mr. Horner, a leading Whig in opposition, with whom Sir Robert (then Mr.) Peel, the Tory, cordially co-operated in preparing that important Act of the Legislature, which is commonly called "Peel's Bill." It would be remembered too, that the commercial policy of Huskisson, a Tory and a member of the Government, obtained the general support of the Whigs in opposition. In this way measures of great general importance were framed by the co-operation of the ablest men of all parties. Besides this advantage which was gained by the practise of excluding party feelings from the treatment of economical questions, there was another by no means to be despised. This practice had the effect of creating, as it were, spots of neutral ground, where men of opposite parties, men usually under the animosities of party warfare, could meet in a friendly spirit and co-operate for the general good: and the tendency of such occasional co-operation among party foes, obviously was to promote toleration and decorum in the conduct of party struggles. Again, therefore, he congratulated the house on the prospect of having this economical question treated with a perfect freedom from party spirit. Calling the attention of the house to the former of the two points which he proposed to notice, he declared his belief that the hope expressed by the hon. mover, that England was not indisposed to help Canada in some beneficial system of colonization, would not be disappointed. Upon the whole subject of colonization a striking change of opinion had taken place in England of late years. Some ten or twelve years ago, that subject was so unpopular, that anyone who felt sufficient interest in it to make it a topic of public discourse or private conversation, was considered a bore; he knew of no subject that now excited a livelier or more general interest. He could state from personal observation, that the last session of the House of Commons was distinguished by the expression of a very warm interest in this subject, an interest not confined to any small number of members or to any party, but in which the leading men of all parties appeared to compete with each other in sharing. This new state of opinion had grown out of the new circumstances in which the Mother Country had been placed of late years. It had recently been discovered that the pressure of population on the means of subsistence is hardly a greater evil than the competition of capital with capital, than that conflict of wealth with wealth, in a circumscribed field of employment, for which Britain is now remarkable. In that country, of late years, capital had been as redundant as population itself. A careful observation of this new fact had led to the opinion that it was a wise policy in England to promote colonization, to open new fields for capital and labor, to provide at once for those who remove, by affording them the use of a new territory and for those who remain behind, by adding to their distant customers. In promoting colonization, England

... ((no)) longer sought the mere removal of superfluous numbers, but also deliberately intended to create new markets wherein to sell the products of her domestic industry. This policy had received an impulse of late years, from the legislation of foreign countries. During the last few years, eight hostile tariffs had been adopted by nations having commercial intercourse with England; six of them since the present Imperial Administration came into office. It was sufficient to mention the Prussian League and the last tariff adopted by the United States. This foreign legislation was depriving England of her old markets, and to such an extent that some were led to fear that the days of her manufacturing prosperity were numbered. That, he hoped and believed was a complete mistake. The Statesmen of Britain had already perceived that if foreign nations excluded her from their markets, it was in her own power, by means of colonization, to create and extend in every quarter of the habitable world, markets which no hostile tariffs could affect; markets of which the men would be of a kindred origin, possessing the same wants and tastes, and acknowledging the same allegiance, as the people of the Mother Country. He was convinced that the most thoughtful statesmen of the Mother Country were prepared to colonize on a great scale, with a view of counteracting that commercial legislation of foreign states, which was so hostile to England. He had little doubt (and in saying this he expressed the opinion of public men in England whose means of observations were far superior to his own) that the next session of the Impl. Parl't would not pass over without the adoption of some important measures of colonization. The question that house had to determine was, whether Canada should obtain any share of the benefits which such British legislation would bestow upon some part or other of the colonial empire. He trusted that the motion of the honorable and learned member for Toronto would lead to the proposal of some scheme of colonization for Canada, which the Imperial Government might consider so sound and practicable as to deserve pecuniary aid from the treasury of the Mother Country. He was well aware that the ordinary revenue of Canada was incapable of bearing any additional burthen for any purpose whatever; but he did hope that if a wise plan - a plan calculated to be of great service to the Mother Country as well as to Canada - were submitted to the Imperial Government, the pecuniary means of carrying it into effect would not be found wanting. At all events if such a plan were devised by this Legislature, no exertion of his, however humble it might be, should be spared in the endeavour, when he returned to England, to press that plan on the attention of the British public. He came now to the claims of the French Canadian part of the population to some participation in the benefits of any general measure of colonization that might be applicable to Canada. He thought that any one acquainted with this country and with the composition of that house, would be of opinion that measures of colonization, however agreeable to the members from Upper Canada, would be unpalatable to a large portion of the representatives of Lower Canada. He alluded to the French Canadian Members. This might not strike a casual observer unacquainted with the habitual politeness of French Canadians, and their kindness of disposition,

which disinclined them to express opinions calculated to give umbrage to any body. He, however, had no doubt of the existence of the repugnance to which he had alluded. Nor was he in the least surprized at it. On the contrary, he thought it perfectly natural and reasonable. Any one who had attended to the history of Lower Canada during the last thirty years, must be aware that every measure of which the tendency had been to increase the numbers of the English race in that part of the country, had also tended to the injury of the French Canadian people. During nearly the whole of that long period, even down to the month of last September, that people had received little else than injustice and oppression at the hands of the British Government and the race which British colonization had introduced into their country. Who could wonder then at their dislike to colonization? He trusted that in dealing with this question the legislature of United Canada would relieve them from their justifiable apprehensions. This could be accomplished in one of but two very different ways; either by devising a general measure which should hold out to them the obvious prospect of considerable benefit therefrom, and which therefore should prove acceptable to them, or by confining the operation of all legislation on this subject to the English part of Canada. He should greatly prefer the former course, and would resort to the latter only in case of necessity. For assuredly the people of French Canada stood in great need of some measure of Colonization, which should permit them to increase and multiply in prosperity like people of the other race. It had often been remarked with surprise that the people of French Canada, though planted on the boundless continent of America, are subject to some of the evils which afflict the inhabitants of old and densely-peopled countries. They are pent up within territorial limits too narrow for their wants; and if there were no doubt of this fact, was it not equally certain that this people would be greatly benefitted by a judicious system of domestic colonization? Their want of colonization was not exceeded by their power to colonize. He stated a well known fact when he reminded the House, that since the period of the American Revolution the people of French Canada had increased faster without immigration, than the people of the United States with that vast immigration by which their numbers have been constantly augmented. He did not pretend to account for that curious fact, but had sometimes been led to imagine that it was to be traced, in part at least, to these two circumstances - first, a peculiar physical adaptation to the climate of North America (for it was indubitable that mortality from disease in this part of the world is much greater among persons of English origin than among French Canadians): and, secondly, the singular morality of the French Canadian people under the care of their clergy, which is shown by the fact that for the purpose of repressing crime among them only two priests have been requisite between Lake St. Francis and Gaspé, throughout a territory many hundred miles in extent; a morality which is known to be conducive to these early marriages, and to the rearing of those very large families, for which the French Canadians are remarkable. But he was dwelling on a well known truth, and would make a less trite observation, by asking with wonder how it had happened, that they who had long wielded

the authority of Government in Lower Canada, and who could not have failed to perceive either the desire or the power of this people to colonise waste land, had thrown every impediment in the way of their spreading over the waste but naturally fertile regions in their immediate neighbourhood. He proposed more than the mere removal of those impediments which now existed; he proposed that facilities should be created in their stead. Observation and inquiry had led him to this conclusion, - that in order to encourage the French Canadians to spread beyond their present territory, it was essentially necessary that they should be enabled to carry along with them the institutions to which they were attached. They were attached above all things to their church, as well they might be; for in a French Canadian parish the curé supplied the place of civil institutions. It was idle to hope for any extension of French Canadian colonization without provisions for bestowing on the new settlers the means of religious ordinances according to their faith. With provisions for this purpose, and the others which he had indicated, there could be no doubt that this people would spread and multiply with great rapidity. There was a territory ready to receive them close to their present abode; a territory not barren, but not likely to be colonized for many a year by the English race, where five or six million of French Canadians might be established in comfort. He would not enter into particulars then, but felt satisfied that such a measure was practicable. The principle of special colonization was not new; it had been carried out by England with eminent success in the days of her greatest colonization. The old Dominion of Virginia was especially a Church of England colony; Maryland was a Roman Catholic colony; the Presbyterians settled New England; and Pennsylvania was set apart for the Quakers. Who could doubt that the establishment of these different colonies for particular classes had encouraged the most valuable emigration, and promoted the rapid progress of English colonization in North America. The principle of special colonization, though long abandoned by England, had recently been again brought into effect. At this moment preparation was being made for planting two special colonies in a distant region, the last addition that had been made in the vast Colonial Empire of Britain; he meant the fertile islands of New Zealand. One of these colonies would be especially Scotch, the other English; and as to each of them ample provision would be made for establishing the church of the settlers, and for education in connection with that church.⁶

An hon. member exclaimed "any Irish"?⁷

((MR. WAKEFIELD continued:)) Yes, Irish too; he had the satisfaction of informing the hon. gentleman who had interrupted him that the Scotch and English colonies in New Zealand would probably ere long be followed by an Irish one. It was clear that the principle of special colonization was peculiarly applicable to Canada, on account of the differences of origin and language which subsisted there. Some people deprecated all mention of this difference of origin. He could not help mentioning it: the fact

stared them in the face; and he believed that it was a fact which it was indispensable that that Legislature should ever bear in mind in order to prevent the grossest injustice and cruelty. In utter disregard of that principle, the hon. member for the Town of Niagara had proposed that the House should, by a sudden vote, or mere stroke of the pen, extend the assessment law of Upper Canada to the other portion of the Province. The hon. member had done this without intending, he was sure, the slightest injury to the French Canadians; but he seemed to think that it was just and right to apply to that people all the laws which were suitable to the English race in Upper Canada. Now he, (Mr. Wakefield) was convinced that the adoption of this principle of uniformity by the Legislature would have the same effect as if they resolved to trample down and exterminate the French Canadian race. Having a due regard to the influence of differences of language, customs and habits of thought, it appeared to him that one law for a people composed of two nations, would be as unjust as two different laws for one homogeneous people. They had examples of both kinds in plenty. England and Scotland was an example of special Legislation. Before the legislative union of those two nations their hostilities were constant, but, notwithstanding that legislative union for general purposes, each nation preserved its own religion, laws and customs; and therefore it was that they have ever since been the best of friends. In Ireland, on the contrary, England had attempted to force her institutions on a people who disliked them. History told what the consequence had been; every mail from Europe brought accounts which led us to apprehend what they might be. The King of Holland lost Belgium by attempting to force Dutch institutions on the English people: the Tyrolese, on the other hand, though a conquered people, were so devotedly attached to the despotic house of Austria, because that despotism wisely permitted them to enjoy their own peculiar institutions in peace, that they rose en masse to repel the invasion of Austria by the French, and had the glory of successfully resisting the conqueror of the rest of Europe. He trusted the House would not think these topics irrelevant to the question before them. In his opinion they were intimately connected with it. He believed that they deserved the gravest and most earnest attention of Canadian Statesmen of both races. After a long course of attention to the politics of Canada, and several recent visits in the country, he had arrived at the conviction that unless they constantly bore in mind the necessity of special legislation on which he had dwelt so long, they had before them, at no distant day, the prospect of miseries as great, and as fierce a collision of races as those by which Lower Canada had been heretofore desolated. This was his solemn conviction. Nor was the prospect less plain to him because he observed at this moment that all legislative power, so far as power depended on the majority in that House, was in the hands of the French Canadian people. There was the fact, and he could see no advantage in disguising it. Nay, he could not help thinking that wisdom commanded then (sic) to proclaim that fact and keep it constantly in mind. He confessed that he regarded it without

satisfaction, and even with considerable apprehension. He wished to explain himself more fully. He could not fail to perceive, for every body perceived it, that his hon. and learned friend, the Attorney General for Lower Canada, enjoyed in that House, and in that legislature so far as a majority in that House was concerned, an almost absolute power. He would not call it a despotic power, nor would he complain of it, because it depended upon the popular suffrage, upon the confidence, no doubt richly deserved, which the French Canadian people reposed in their distinguished leader, and upon the recent introduction into the Government of this country of the most important principle of the British Constitution. But no one could deny the fact, and he would not attempt to disguise it. It was proved by the utter prostration, by the almost total disappearance, of that party in Lower Canada to which his hon. and learned friend had been all his life opposed. He believed, however, that the extinction of that party was more apparent than real - that the extraordinary influence of the hon. and learned gentleman was an extreme re-action upon the extreme oppression to which his people had been so long subjected.⁸

Here MR. JOHNSTON loudly called Mr. Wakefield to order, and he sat down.⁹

On rising again, amid the cheers of the house, he ((MR. WAKEFIELD)) said that he would satisfy the honorable gentleman who had interrupted him, by referring to a single fact. He had visited Kingston at the time of the meeting of the United Legislature in its two first sessions, and on both occasions had been unable to discover a single member of the Government being a person of French Canadian origin. During the first two years after the Union, the French Canadians had enjoyed no share whatever in the Executive Government of their country. All who heard him must feel that a people thus marked out for exclusion from all authority or influence in the conduct of public affairs, had been in the condition rather of slaves than of freemen. But to pursue the course of his argument, which had been interrupted, he believed that the prostration of the anti-Canadian party in Lower Canada was but temporary, he would not call them the "British" party, because he held in the highest respect many persons of British origin in Lower Canada, and cordially shared their feelings of sympathy towards the French Canadians, but the temporary disappearance of that party, no less than the signal influence at present enjoyed by the honorable and learned gentleman, arose from one of those extreme reactions which commonly attend an important political changes (sic). If they looked to history they would see that one extreme was commonly followed by another in the opposite direction. This consideration induced him thus publicly to express a hope that the power which was now in the hands of the honorable and learned gentleman, would be exercised with temper, moderation, and wisdom. He would take the part of wisdom if he applied the utmost powers of his mind to the question before the House. By thus exerting himself, the honorable and learned gentleman might

promote, in this instance at least, that special legislation of which the object is to consult the wants and feelings of different classes. If that sort of legislation should be wholly disregarded, he (Mr. Wakefield) should apprehend, at no distant day, the most serious disasters for Canada. As to the particular question before the House, he supposed a committee would be appointed, and hoped that it would devise some sound general measure containing provisions for domestic colonization by the French Canadian people. In order to promote the latter object, he should, if he had the honor to be named on the committee, venture to suggest to the honorable and learned member for Toronto who, he was confident, would warmly embrace the proposal, the expediency of calling to their aid as a witness, with a view of obtaining his advice and assistance, a gentleman of French Canadian origin, whom the late Governor General had publicl(y) designated as being intimately conversant with the subject. He felt that he had occupied the House too long, and would conclude with thanking the House for the indulgence with which they had listened to him.¹⁰

DR. DUNLOP was entirely opposed to any thing exclusive in emigration. Every people had something to contribute to the general stock, peculiar to themselves. Thus, while the Scotch and Irish emigrant brought something for which his country was famous, the English emigrant would introduce fine breeds of cattle, and the French Canadian superior axes; whereas were they located separately and distinctly the principal effect would be, to foster prejudices and nationalities (sic), and keep them as a separate people.¹¹

Hon. MR. HINCKS fully agreed in the opinion that had been expressed by several hon. gentlemen who had preceded him, that the subject which now engaged the attention of the House, was one of the highest importance to the country. He had for several years past paid a great deal of attention to the subject of Colonization, and had read several of the works on that subject written by the hon. member for Beauharnois. He would avail himself of that opportunity to express his entire concurrence with the general views of his hon. friend, who, by laying down sound principles of colonization, had immortalized his name, and had earned the gratitude of his country. The principles of his hon. friend however, were not universally applicable, - and certainly not to the state of things in Canada. He (Mr. H.) saw difficulties that stood in the way of any system of colonization that might be proposed for Canada, and difficulties that he feared could hardly be overcome. Many schemes had already been suggested. For several years, it was the fashion to cry out for immigration at the expense of the Colony; and Agents had been sent to England as missionaries in the cause. This had not produced any good result. Hopes had been raised which were afterwards blasted. Our shores were thronged with destitute emigrants, and evil instead of advantage had resulted to the Colony. He (Mr. H.) believed that there were no longer any advocates in that House for such a system of emigration. The hon. and learned member for Toronto who moved the resolution, had expressed great

surprise that the Government had not been prepared with some scheme of colonization to submit to the House. Surprise had been expressed elsewhere on another occasion, when the address in answer to the Speech from the Throne had been under consideration. It would be found perhaps that the Government were not liable to any charge of remissness on this subject, and that one of the measures now under the consideration of the House would have a most beneficial influence in promoting colonization. He (Mr. H.) was of opinion that the true mode to secure the settlement of the country and the prosperity of its inhabitants, was to give every facility to the agricultural population, and to promote their interests. (Hear, hear.) We had already been materially benefited by the liberal measures of the present Imperial Government, who had, most generously thrown open the British markets to our agriculturists. What we now principally wanted was a cheap conveyance to that market. This was to be obtained not only by opening the great water communications which form the grand channel thro' which all our produce must pass, but also by attending to the internal communications—more especially the roads. When he (Mr. H.) turned his attention to Upper Canada, and found the state of things existing which had been truly depicted by the hon. and learned member for Toronto; and when he looked also towards the Eastern Townships, where the wretched state of the communications was such as to have attracted the particular attention of the distinguished individual at the head of the Government during his recent tour; and when he, further, inquired into the state of the other portions of Lower Canada where these evils do not exist, he was led to ask — what had occasioned this difference? He (Mr. H.) had at one time heard a great deal of the utter want of municipal government in Lower Canada, but he had ascertained on enquiry, that without such institutions they had a system under which their roads were kept in repair by the people who used them. But the great cause of the difficulties in Upper Canada and in the Eastern Townships was, that in those parts the people had suffered under a land granting system, under which Reserves of all kinds, Crown as well as Clergy, had been set apart, — and large tracts of waste lands given to absentee, or rather non-resident proprietors. Our situation has been truly described by Mr. Buller in his able speech on colonization, an extract from which he would, with the permission of the House, read: —

"I wish to fix your attention on the one great mischief which is the result of these and other faults, namely, the reckless profusion of grants, which has taken the wild lands of Canada out of the hands of the public, and placed them in the nominal possession of a few proprietors, who can neither use them themselves, nor render them subservient to the promotion of any great public purpose or general plan. This is the main difficulty which meets us in the outset of any attempt to colonize Canada. The country is still unsettled but not unappropriated. The lands are wild but the Government cannot use them. In its bad days the property was jobbed away. Some was granted to Governors — some to Executive Councillors — some to the dependants of men in power: a large portion was assigned

to form a provision of the most objectionable kind for the Clergy, and a still larger portion was allotted to other classes of persons who were considered to have claims on the Government, which were satisfied by grants of land instead of pensions."

He (Mr. H.) contended that to this baneful system they owed the state of things which had called forth such loud complaints. They found in every section of the Province a thin and scattered population, obliged to make roads at their own expense through these tracts of waste land, which are thus improved in value for the non-residents at the expense of the industrious settler. Such is the state of things for which a remedy is required. The hon. and learned member for Toronto had adverted to the probability of the Government being able to negotiate a loan in England, perhaps of three millions, for carrying out certain improvements. The Government, however, were not in a position to originate anything of the kind. They had no information in their possession to warrant them in believing that the Imperial Government would entertain such a proposition. No despatches from the Colonial Minister had been received, holding out such hopes, and it would have been perfectly absurd in them to have come forward to excite expectations which would, in all probability never have been realized. But the Government had not been inattentive to the subject. They had devised a surer and a better plan than any which the honorable and learned member for Toronto had pointed at. They propose to enable the various Municipal bodies in the Province to tax the wild land at its real value, for all purposes, and they further proposed a way of securing the collection of that tax. That would enable the people in every locality to make improvements as they required them and according to their own views of what was necessary. He (Mr. H.) would assume, for the sake of argument, that the proposed loan could be obtained, and that it was divided among the different Counties, the individuals in which would have to tax themselves to pay the interest. They would all doubtless be glad to obtain the money on such terms, and if well expended it might do much good, but if laid out as it necessarily must be on some work of magnitude, however great the advantage, it would be literally as nothing compared to the benefit that would be obtained by a good system of improving the local roads which would benefit not particular localities but the great mass of the people. The only way by which the latter benefits could be obtained was by giving the people a just and fair system of local taxation, making the non resident lands pay their full share according to their value, not only for roads but for education and the administration of justice. Such a system was now offered to the country and he (Mr. H.) hoped before long to see it in operation. The hon. and learned member for Toronto had adverted to the importance of opening up by means of roads the waste lands of the Crown in the direction of Lake Huron, and he urged that especially as likely to promote the interests of the City of Toronto. He (Mr. H.) felt it necessary to offer a few observations on this subject, with a view of correcting an erroneous opinion which was very prevalent. He (Mr. H.) was not for pushing settlements at a distance but for concentrating the population so that they might assist one another. Instead of

promoting the interests of Toronto by colonizing on the shores of Lake Huron, let them turn their attention to the Counties of York and Simcoe, capable of sustaining a population of ten times the number now in them. There was no part of the Province where the population was sufficiently great as compared with the quantity of land. Even in the well settled Districts of Niagara and Prince Edward the population might be doubled with advantage. The most advantageous course then was to colonize the waste lands in our present settlements, instead of seeking new ones. And as regards the prosperity of Toronto, (in which he (Mr. H.) still took a most lively interest) that would be best promoted by pushing settlers into the townships in the County of York. Let the people be able to bring the waste lands into market by taxation, and the great end would be accomplished. He (Mr.H.) had made these remarks not with any view of discouraging the inquiry sought for by the hon. and learned member, but to shew to the House that the Government had not failed to give due consideration to this very important subject and that they had taken every means within their power to remedy the evils, the existence of which was universally acknowledged.¹²

MR. THORBURN entered briefly into statistics, showing, that in the South Riding of Lincoln, consisting of 700,000 acres, the population amounted only to between 33,000 and 34,000, while in Haldimand, which contained 400,000 acres, the population was only 6000, thus demonstrating that a vast space was still open in them, to be occupied by settlers.¹³

MR. CHILD said the subject of Emigration was of very great importance to this Province, and he generally concurred in what had been said by hon. members in that debate. There were, however, some points of it which appeared to him to deserve some notice which had not been touched upon by the hon. member for Beauharnois; and upon which, with the indulgence of the House, he should make some remarks. The narrow limits in which the ancient inhabitants of Lower Canada had been confined, and had the effect of driving the young and enterprising portion of their population to emigrate to New England and elsewhere; and that drain of the bone and muscle of that race, was lost to the Province forever; for when they arrived in the New England States they found immediate and constant employ - as farm laborers, mechanics and servants - and at a rate of wages above that they could ever expect at home, from cultivating a narrow and exhausted tract of land. The other point on which he would now remark was that what has been now said in reference to emigration, has been in connection with the public lands. He could not agree with the hon. member from Beauharnois on that point. He (Mr. C.) was desirous that every proper encouragement should be afforded to a wholesome emigration to this Colony from the United Kingdom. And it was his humble opinion that if they would effect so desirable an end, they should keep it in close connection with the partially settled districts, and not force masses of emigrants into the forests - there to pine away, and ultimately die for the want of that necessary experience and knowledge of the climate and soil, and best mode of clearing away the forest - which he (the

emigrant) can only obtain by a residence of some years, among the first settlers. If they would give encouragement to the emigrant - make the cultivation of the land, (now partially cultivated) profitable to the cultivator, and then he would employ laborers, and thus more land would be brought into productiveness, which would increase their exports - and the consumption of imports - and attract a constant and healthy current of emigration to this country - that would not, as now, be seen hanging about our towns and cities - a charge on the charity of the benevolent. If they would help the emigrant and co-operate with the efforts of the friends of emigration at home - let them, instead of sending those emigrants in masses into the forest - open plank and other good roads to the thinly settled townships in the east and west - encourage the productions of the soil - by affording protection to the market - and reducing the expences of transportation and shipment - upon such productions (sic), from the time they left the hands of the consumer in England and elsewhere. Under such treatment, the prosperity of the country - the whole country - would, in his (Mr. C.'s) judgment, be most effectually promoted.¹⁴

(85)

Colonization.

Resolved, That a Select Committee, composed of the Honourable Mr. Sherwood, the Honourable Mr. Morin, the Honourable Mr. Hincks, Sir Allan N. MacNab, Mr. Wakefield, Mr. Cartwright, Mr. Roblin, Mr. Boutillier, and Mr. Papineau, be appointed to inquire whether any plan can be advantageously adopted by the Legislature of this Country, to assist in establishing a more efficient system of Colonization;

(86)

and also to enquire into the possibility of enabling this Province to obtain pecuniary aid from the Imperial Parliament, with a view of promoting the settlement of Wild Lands by every class of Her Majesty's subjects, and of developing the natural resources of the Country, by means of Roads and other internal improvements; to report thereon with all convenient speed, with power to send for persons, papers and records.

M. Lacoste & M. Jobin take their Seats.

Louis Lacoste, Esquire, Member for the County of Chambly, and André Jobin, Esquire, Member for the County of Montreal, having previously taken the oath, according to Law, and severally subscribed, before the Commissioners, the Roll containing the same, took their seats in the House.

Private Bills.

Ordered, That Mr. Quesnel be added to the Standing Committee on Private Bills, in the room of the Honourable George Moffatt, who has resigned his Seat in this House.

Orders postponed.

Ordered, That the several Orders of the Day for to-morrow, be postponed until Friday next.

On motion of Mr. Simpson, seconded by Mr. Boutillier,

Report of Select Committee on Petition of Allan McDonnell and others, read.

Ordered, That the entry in the Journals of this House, of the fifteenth of September, 1841, containing the Report of the Select Committee to which was referred the Petition of Allan McDonnell, of St. Andrews, in the Township of Cornwall, praying for the opening of a road from Coteau du Lac, to the Road called Dundas Street, leading through the sixth Concession of Lancaster, in the Eastern District, where the River Beaudette crosses the line formerly dividing the Provinces of Upper and Lower Canada, be now read.

The said Entry was read accordingly.

Coteau du Lac Road Bill.

Ordered, That Mr. Simpson have leave to bring in a Bill for the opening of a road from Coteau du Lac to Dundas Street, through the third Concession of Lancaster.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday the seventeenth of November next.

Secret Societies.

Captain Steele, from the Committee of the whole House, on the Bill for the discouragement of Secret Societies, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

The Honourable Mr. Boulton moved, seconded by Mr. Williams, That the said Bill be now re-committed to a Committee of the whole House.¹⁵

MR. BOULTON ...((was)) of opinion that the enactments were too stringent, and would prove non-effective. Although entirely opposed to such Societies, he thought that the bill would produce ten times the heartburning and embittered feeling that now prevailed. No power ought to be dreaded, history proved, more than the arbitrary power of a large majority, and that majority now pressed forward this measure. The true principles of public liberty, were, that every man should be allowed to do as he pleased, so ((long)) as he did not interfere with any body else. While he objected to the oath of an Orangeman, as qualifying his allegiance, and making him loyal only when it suited him, he also objected to the provisions of the bill, as imposing undue pains and penalties, and arraying the Roman Catholics against the Orangemen, the latter of whom were to be held down while the former rode rough-shod over them. By this measure 20,000 men in Upper Canada were to suffer under particular disabilities, compared with the rest of the inhabitants. If, as it was contended by many honourable Members, these Societies had no bad

motives in view, he (Mr. Boulton) could not see why they were more objectionable than the Freemasons. He would warn those who introduced the measure, what might be the result of crushing any body of men for their politics. Human events were mutable, and the time might come when the retaliation that would fall upon the oppressors, would partake of all the bitterness of the oppression. With this view, he trusted that the bill would be recommitted, in order to introduce such amendments as would make it less unpopular.¹⁶

CAPT. WILLIAMS--Having passed two bills already, he hoped the House would pause, and not let it go to the country that Orangemen were persecuted for their religion and their politics. (Hear! hear!)¹⁷

MR. HOLMES complained that the bill was not stringent enough. Orange Societies had partially been established in Montreal lately, and also at St. Giles', below Quebec, which he much regretted. He hoped that the power of the law would be used to crush them. (Hear! hear!) He had presented a petition from the Odd Fellows of Montreal, consisting of more than a million (sic) members, but he had not pressed for their exemption from the law, for fear Orangemen would take shelter under the name.¹⁸

MR. BALDWIN said, that having his country's good at heart, he would bring all his talent into force to accomplish the object of this bill; and if he failed, he would have the satisfaction of knowing that he had done his duty. It was not Protestant equality Orangemen aimed at, but Protestant ascendancy. There was nothing said in the bill about Orangemen. It was they themselves that had taken the alarm, and the opposition offered proved that they were not ready to obey the laws of their country. This bill, with no more power than the Royal prerogative, only disqualified men illegally bandied (sic) together by secret oaths, from holding office and acting as jurymen. The measure was a mild one; and if it did not succeed, he (Mr. Baldwin) would, on a future occasion, introduce further enactments. Considering the time that the House had already been occupied with the bill, he felt it his duty to oppose the recommitment of it.¹⁹

MR. DUGGAN spoke for a long time in favour of the amendment, and against the bill.²⁰

(86)

The question having been put upon the said motion, a division ensued,²¹ and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BARTHE, BOSWELL, BOULTON, CARTWRIGHT, DUGGAN, DUNLOP, FOSTER, Sir ALLAN N. MACNAB, MCLEAN, HENRY SMITH, H. SHERWOOD, STEWART and WILLIAMS.-- (13.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, DALY, DEWITT, DUNN, DURAND, FRANCHERE, GILCHRIST, HALE, HINCKS, HOLMES, HOPKINS, JOBIN, JOHNSTON, LACOSTE, LAFONTAINE, LESLIE, D. MCDONALD, MERRITT, MORIN, MORRIS, NOEL, PAPINEAU, PARKE, POWELL, PRICE, QUESNEL, SIMPSON, SMALL, STEELE, TACHE, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(45.)

So it passed in the Negative.

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Attorney General Lafontaine, that the said Bill, as amended, be engrossed.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, DALY, DEWITT, DUNN, DURAND, FRANCHERE, GILCHRIST, HAMILTON, HINCKS, HOLMES, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, D. MCDONALD, J.S. MACDONALD, MERRITT, MORIN, MORRIS, NOEL, PAPINEAU, PARKE, POWELL, PRICE, QUESNEL, SIMPSON, SMALL, STEELE, TACHE, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(45.)

NAYS.

Messieurs. CARTWRIGHT, DUGGAN, DUNLOP, FOSTER, HALE, JOHNSTON, Sir ALLAN N. MACNAB, MCLEAN, ROBLIN, HENRY SMITH, H. SHERWOOD, STEWART and WILLIAMS.--(13.)

So it was carried in the affirmative, and Ordered accordingly.

On Motion of Mr. Boswell, seconded by Mr. D. McDonald.

Orders postponed. Ordered, That the remaining orders of this day be postponed until Friday next.

Then on motion of Mr. Boswell, seconded by Mr. Cartwright.
The House adjourned until Thursday next.

APPENDIX, 31 OCTOBER 1843.

((WITHDRAWN MOTION RE: DELAY IN HASTINGS ELECTION.))²²

M. JOHNSTON propose une adresse à S.E. pour obtenir des éclaircissements par rapport au délai survenu dans l'émanation d'un writ pour Hastings. Il se plaint que le greffier en chancellerie tienne son bureau dans un coin du cabinet de lecture qu'il a eu mille peine (sic) à le trouver, et qu'il ne doit pas recevoir un salaire de £ 80 pour ne rien faire.²³

((M. SMALL dit)) quelques mots²⁴.

MR. BALDWIN stated, that ... ((the delay)) was owing to an error in the name of one of the Commissioners appointed to swear in the Returning Officer.²⁵

M. BOULTON ... parle dans le même sens²⁶.

La motion est retirée ((par M. JOHNSTON)).²⁷

((WITHDRAWN MOTION RE: LEAVE OF ABSENCE FOR MR. MOFFATT.))²⁸

MR. CARTWRIGHT moved, that Mr. Moffatt be considered as having leave of absence for the remainder of the session, he having resigned solely on account of the Seat of Government question;²⁹ attendu que pendant les quinze jours qui suivront sa résignation il peut être regardé toujours comme membre de la Chambre, il serait juste qu'il ne fut pas inquiété (sic), s'il ne répondait pas à l'appel nominal fixé au 2 novembre.³⁰

L'hon. M. LAFONTAINE fait observer qu'il n'a aucune objection à la motion, mais qu'il ne la croit pas nécessaire, en ce que lors de l'appel nominal on pourra toujours se prévaloir de l'occasion pour excuser l'absence du membre résignataire, et que sa résignation pourrait être alléguée comme une raison suffisante d'excuse.³¹

La motion est en conséquence retirée ((par M. CARTWRIGHT)).³²

FOOTNOTES - 31 OCTOBER 1843.

1. The following was reported in: MONTREAL GAZETTE, 4 November 1843, and BRITISH COLONIST, 7 November 1843, in identical accounts.
2. MONTREAL GAZETTE, 4 November 1843.
3. The debate on this matter was reported in: MONTREAL GAZETTE, 4 November 1843, and BRITISH COLONIST, 7 November 1843, in identical accounts; LE CANADIEN, 8 November 1843; EXAMINER, 8 November 1843; KINGSTON CHRONICLE, 4 November 1843, whose account was copied by LA MINERVE, 4, 9, 11, 16 November 1843; L'AUREOLE, 4 November 1843; and MONTREAL TRANSCRIPT, 7 November 1843. MONTREAL TRANSCRIPT, 7 November 1843, gives a very long and detailed commentary on Wakefield's speech which was the high point of the debate. KINGSTON CHRONICLE, 4 November 1843, gave speeches in the language of delivery for the first time. LE CANADIEN's first person French version of Wakefield's speech is translated from the KINGSTON NEWS, which apparently carried a report of the debate identical to that in the KINGSTON CHRONICLE since LE CANADIEN's translation corresponds as well to the CHRONICLE's English report. LE CANADIEN described its report of this speech as follows: "Ensuite M. Wakefield se lève et prononce le discours suivant, que nous traduisons en entier, le rétablissant seulement à la première personne et au présent, comme il a dû être prononcé, au lieu de la troisième personne et du passé, comme il est rapporté par le NEWS, à la manière des journaux anglais, manière que tout homme de goût trouverait insupportable en français."
4. KINGSTON CHRONICLE, 4 November 1843.
5. IBID., which reported Morin's speech in the language of delivery, in this case French.
6. KINGSTON CHRONICLE, 4 November 1843.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. MONTREAL GAZETTE, 4 November 1843.
12. KINGSTON CHRONICLE, 4 November 1843.
13. MONTREAL GAZETTE, 4 November 1843.
14. KINGSTON CHRONICLE, 4 November 1843.
15. The debate on this matter was reported in: LA MINERVE, 4 November 1843; and MONTREAL GAZETTE, 4 November 1843, whose account was identical to that of the BRITISH COLONIST, 7 November 1843.
16. MONTREAL GAZETTE, 4 November 1843.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. "At nearly eleven o'clock, the House divided...." MONTREAL GAZETTE, 4 November 1843.
22. The following withdrawn motion was reported in: MONTREAL GAZETTE, 4 November 1843, in an account identical to that of BRITISH COLONIST, 7

November 1843; and LA MINERVE, 4 November 1843.

23. LA MINERVE, 4 November 1843.

24. IBID.

25. MONTREAL GAZETTE, 4 November 1843.

26. LA MINERVE, 4 November 1843.

27. IBID.

28. The debate on this withdrawn motion was reported in: MONTREAL GAZETTE, 4 November 1843, in an account identical to that of BRITISH COLONIST, 7 November 1843; and LA MINERVE, 4 November 1843.

29. MONTREAL GAZETTE, 4 November 1843.

30. LA MINERVE, 4 November 1843.

31. IBID.

32. IBID.

THURSDAY, 2 NOVEMBER 1843.

For some time before the usual hour of business, a crowd had collected on the stairs and in the lobby; and as soon as the door was opened, a rush was made, and that small portion of the house, (small enough in itself) allotted to the public, was filled instantly to an overflow. A great number of ladies being in attendance, permission was given to admit them into the body of the house, and immediately they were seen occupying the seats of members.¹

(86)

10 Petitions
brought up.

THE following Petitions were severally brought up
and laid on the table.

By the Honorable Mr. Viger--The Petition of R. Jones, Esquire, and others, Inhabitants of the Parishes of Sorel, St. Michael and other places.

By Mr. Jobin--The Petition of Hugh Brodie, junior, and others, Inhabitants of Cote St. Paul, Coteau St. Pierre, and of the Tanneries des Rollands in the Parish of Montreal.

By Mr. Roblin--The Petition of D.B. Stevenson, and others, inhabitants of the District of Prince Edward.

By the Honorable Mr. Hincks--The Petition of the Reverend Donald McKenzie, and others, Inhabitants of Zorra, and other Townships in the District of Brock.

By the Honourable Mr. Boulton--The Petition of W.T. Cameron, and others, Inhabitants of the Town of Niagara and its Vicinity; and the Petition of C.O. Ermatinger and others, Inhabitants of the Parish of St. Armand West.

By Mr. Parke--The Petition of the Reverend Alexander C. McColl, and others, Inhabitants of Aldborough, District of London.

By Mr. Derbshire--The Petition of Nicholas Sparks, of Bytown.

By Mr. Durand--The Petition of David Good and others, Delegates of the School Districts, in the Townships of Waterloo, Wilmot, and Woolwich, in the District of Wellington; and the Petition of A. Dingwall Fordyce and others, Inhabitants of Fergus, and neighbourhood, in the District of Wellington.

(87)

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of John S. Bostwick, and others, Inhabitants of the Township of Compton, in the County of Sherbrooke; praying for certain alterations in the present system of Judicature in the District of Saint Francis; and also for amendments to the Municipal Council Ordinance.

Of A.W. Kendrick and others, Inhabitants of the Township of Compton, in the District of Saint Francis; praying for the construction of a Turn-

pike road, from the said Township, to the City of Montreal, under the superintendence of the Board of Works.

Of B. Pomroy and others, Inhabitants of the Township of Compton, in the County of Sherbrooke; praying that the Municipal Council Ordinance, and the Common School Act be amended.

Of Messieurs James G. Heath and Company, and Shaw and Torrance of Quebec, Merchants; praying that a certain portion of the Duty on Bastard Sugars, exacted from them, contrary to the spirit of the Law, be refunded them.

Of John Wilson and others, of the District of Ottawa; praying aid for a road in the said District.

Of R.J. Hopkins and others, Inhabitants of the District of Prince Edward; praying that the present Law for the recovery of small debts in Upper Canada, be repealed, and that the former act for the same object, be revived, with certain amendments.

Of John Rose and others, Inhabitants of the Township of Marysburgh; praying that the present Law for the recovery of Small debts in Upper Canada, be repealed, and that the former Act for the same object be revived, with certain amendments.

Of Joshua M. Caaman and others, Inhabitants of the District of Prince Edward; praying for the repeal of the existing law, for the recovery of small debts; and the re-establishment of the Law heretofore in force for the same object.

Of J. Jolivet and others, Inhabitants of the Parishes of St. Gervais and St. Lazare; praying for the repeal of the Registry ordinance; and that taxes may not be imposed on Real Property, for the support of Schools.

Of Jacob Price, and others, of the Baptist Church and Congregation at Louth, in the District of Niagara; praying that the benefits of the University of King's College and McGill College, be extended equally to all classes of Her Majesty's subjects.

Of Thomas McDonald, and others, of the Village of St. Catherines, in the District of Niagara; praying for certain amendments to the Charter of the University of King's College.

Of Narcisse Valois, and others, Inhabitants of the County of Montreal; praying for Agricultural protection.

Of Fleury St. Jean and others, Censitaires of the Fiefs Closse and La Gauchetiere, in the City of Montreal; praying that a law may be passed to oblige the Proprietors of the said Fiefs, to commute the Tenure of their

Censitaires and to regulate the terms and conditions of such commutation.

Of Reuben White, of the Township of Sidney, in the District of Victoria; complaining of the seizure of his property, by one William Bone, in the year 1837, which he yet retains and refuses to return, and praying relief.

Of Thomas Finland and others; complaining of injury, sustained by the withholding of the interest of certain sums of money, paid to them as public Contractors for "the Hamilton and Brantford macadamized road," and praying relief.

Of the Honourable S.B. Harrison; praying for the passing of an Act, to authorise him to practice as an Attorney in the Court of Queen's Bench, and as Solicitor in the High Court of Chancery in Upper Canada.

Petitions referred. Resolved--That the Petition of Paul Glasford and Paul Glasford and others. others, appointed to superintend the erection of a Gaol and Court House in Brockville, presented to the House on the twenty-sixth of October last, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers and Records.
Ordered, That Mr. Morris, Mr. George Sherwood, Mr. Crane, Mr. McLean, and Mr. Boswell, do compose the said Committee.

Fleury St. Jean and others. Ordered, That the Petition of Fleury St. Jean and others, Censitaires, of the Fiefs Closse and La Gauchetiere, in the City of Montreal, be referred to the Special Committee, to which was referred the Petition of J. Henry Lamb and others, of the City and Parish of Montreal (relating to the commutation with the Censitaires of Nazareth and other Fiefs.)

S.B. Harrison. Ordered, That the Petition of the Honourable S.B. Harrison, be referred to the Standing Committee on Private Bills.

Gillespie, Moffatt & Co. Resolved, That the Petition of Messieurs Gillespie, Moffatt and Company, and other Merchants of Montreal, presented to the House on the twenty-third of October last, be referred to a Select Committee, composed of Mr. Leslie, the Honourable Mr. Hincks, the Honourable Mr. Neilson, the Honourable Mr. Harrison, and Mr. L.M. Viger, to examine the contents thereof, and to report thereon, with all convenient speed, with power to send for persons, papers and Records.

Jas. G. Heath & Co. Ordered, That the Petition of Messieurs James G.

Heath, and Company, and Shaw, and Torrance of Quebec, Merchants, be referred to the said Committee.

Sixth Report on Private Bills.

Mr. Hale, from the Standing Committee on Private Bills, presented to the House the Sixth Report of the said committee, which was again read at the clerk's table, and is as followeth:--

"Your committee have examined the Bill to incorporate certain persons as a company for carrying on the Fishery and Trade in connexion therewith, in the Gaspé District and Gulph of St. Lawrence, and coal Mining in the said District--and have agreed to certain amendments thereto, which they beg to recommend for the adoption of your Honourable House."

Report on Petition of Cyprian Morgan, and other Petitions.

Mr. Morris from the Special committee, to which was referred the Petition of Cyprian Morgan, of the Township of Yonge, in the Johnstown District, and other references, presented to the House the Report of the said committee, which was again read at the clerk's table, and is as followeth:--

(88)

"Your Committee have examined the Petitions of Cyprian Morgan, the Reverend A. Blanchard, the Reverend J.F.A.S. Fayette, Albert G. Alexander, and Alexis Chandler, praying respectively to be naturalized,--and being satisfied upon enquiry, of the good character of each of the Petitioners, have no hesitation in recommending that an Act be passed conferring upon them the rights and privileges of natural born British Subjects."

Canada Inland Forwarding, &c. Company Bill.

Ordered, That Mr. Cameron have leave to bring in a Bill to authorise the Chairman of the Committee of the Canada Inland Forwarding and Insurance Company, to sue for and recover debts due to the Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

King's and Upper Canada Colleges.

Resolved, That the detailed Statement of Affairs of King's College and Upper Canada College, for the years 1839--1840--1841 and 1842, laid before the House on the sixth of October last, be referred to a Special Committee of five Members, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Thompson, the Honourable Mr. Hinks, Mr. Cartwright, Mr. Morris, and Mr. Williams, do compose the said Committee.

Montreal City Incorporation.

Ordered, That Mr. Quesnel be added to the Special Committee to which was referred the Petition of

the Mayor, Aldermen, and Citizens, of the City of Montreal, praying for amendments to the Act of Incorporation of the said City, in the room of the Honourable George Moffatt, who hath resigned his seat.

Call of House.

The Order of the Day for the call of the House, being read,

The House was accordingly called over; and several of the Members appeared, and the names of such Members as made default to appear, were taken down, and are as followeth:--

The Honourable George Moffatt,

The Honourable Charles Richard Ogden.

County of Hastings Election.

Mr. Solicitor General Aylwin moved, seconded by the Honourable Mr. Dunn, that it be referred to the Standing Committee of Privileges and Elections, to enquire into the circumstances which have delayed the issue and return of a Writ for the election of a Member to serve in this Parliament for the County of Hastings, ordered by this House.

The Question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

Ordered, Accordingly.

Seat of Government.

The Order of the Day for taking into consideration the Message of His Excellency, the Governor General, of the ~~10th~~ 11th of ~~June~~ July, respecting the Seat of Government, being read.

MR. JOHNSTON moved to allow them to vote on the question.²

MR. AYLWIN then made a motion to the effect that the ladies should be turned out, by clearing the galleries.³

(But) the Ladies were not turned out.⁴

(88)
The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Attorney General Lafontaine, that it is the opinion of this House, that it is expedient that the Seat of Her Majesty's Provincial Government for this Province, should be at the City of Montreal.⁵

Hon. MR. BALDWIN said, that the measure upon the table of the House, which had just been read, related to a question, the settlement of which properly belonged to the royal prerogative; but in the present instance Her Majesty had graciously waived the exercise of that prerogative, until she had ascertained the opinion of Her Canadian people upon the subject. It was his duty, therefore, by the resolution which he was about to propose, to elicit the opinion of the representatives of the people. He could have wished this task had been placed in other hands; but it would be affectation in him to feign ignorance of the reasons which had induced his colleagues to commit it to him. The question was one which involved

the existence of the present Ministry - the first Ministry that had come into power upon the principle of responsibility to that house. Again, he was an Upper Canadian, and for that reason, was not likely to overlook its welfare, or be regardless of its interests. But there was another reason for this duty devolving upon him. Ever since the first agitation of the Union of the Provinces, he had been an advocate for that important measure. He saw, that, by such a measure, his country would be elevated into one of the most powerful dependencies of Great Britain; he saw, in it the downfall of that wretched system of Government which had unhappily too long prevailed - which had set at defiance the opinions and wishes of the people; which caused dissatisfaction throughout the Province; and led to insurrection and bloodshed, as its baneful results, - he was the advocate of that measure because he saw in it the elements of a power which would ensure to this country the concession of every just demand from the parent state. Being thus committed to the Union no one could doubt but that he would be the last man to do anything knowingly, that would in the remotest degree disturb or weaken that Union. This was another reason for their calling upon him. He confessed, when he considered the importance of the question, that he felt oppressed by the weight of the duty that devolved upon him, but he was supported, at the same time, by the conviction that the embarrassing position in which the question was now placed, was, in no degree, to be attributed to the Provincial Administration. It was no fault of theirs that a question belonging exclusively to the exercise of the Royal Prerogative had been submitted to this house; - and he felt supported also by the conviction that the Resolution he now proposed had the deliberate sanction of his most mature judgment. He had said that the position of the question as now placed was not attributable to the Provincial Administration, and in order to lay before the House the circumstances that had placed it in its present position it would be necessary for him to refer briefly to the history of the proceedings. By the Union Act the power of settling the question was vested in the Queen's Representative; and so early as the 14th of July 1841 the locality of the Seat of Government became a question of discussion in this house; and during that session, and on that day an address was moved by the hon. member for the second Riding of York, seconded by his hon. and learned friend for the first Riding, to His Excellency the Governor General, asking for information upon the subject; and the answer to that Address stated that he had no correspondence to communicate with regard to it. Subsequently a petition was presented from the City of Toronto, when the same subject was referred to a select committee of which the hon. and gallant Knight, the Member for Hamilton was a prominent member, and he believed the Chairman. That Committee reported an address to Her Majesty, which was afterwards adopted by this House, recommending alternate parliaments to be held at Quebec and Toronto. In consequence of this address, a dispatch was received from Lord Stanley, dated the 2d of November, 1841 - which dispatch showed that the question was not considered by the Imperial Government, as finally settled; this dispatch was taken up by this house in the following session, and a resolution was passed declining to express an opinion in favour of any place, but

accompanied by an express disapproval of Kingston, and expressing a wish that Her Majesty would settle it by the exercise of Her Royal prerogative. That resolution was communicated to the head of the Government, and, in consequence of it, a correspondence was opened with the Queen's Government, who referred it to the late Governor General with instructions for him to form an opinion with the assistance of the Executive Council, and the result was the minute now upon the table of the house. The Executive Council being thus called upon to declare their opinion, were necessarily compelled to submit their views. They had not disturbed the question - they had not agitated it; they had only performed a duty incumbent upon them; so far as the Members of the present Administration are concerned they are entirely free from placing the question in the position in which it now stands. The Home Government might have taken a different course. They might, without asking the opinion of the Executive Government of this Province, have sent it back to be laid before Parliament, and perhaps under these circumstances, it might have remained an open question, although he (Mr. B.) was not prepared to say that it would have been. Again, the Home Government, without asking the advice of the Provincial Government, might have decided in favor of Kingston or against it, and in that case, he and his colleagues would not have been involved in their present difficulty. Or they might have left it to the head of the Government to adopt such a course as he might have deemed proper, in the exercise of the powers conferred upon him by the Union Act, holding him responsible to them for whatever decision he came to being afterwards upheld by the Provincial Parliament. But instead of taking any of these three courses, their plan was first to ask for the opinion of the Provincial Administration; and then instead of either acting upon, or regarding their advice, send it down to this house for the expression of its opinion upon it. Called upon, as they had thus been, it was not a matter in their option, to give the advice, or to refuse it. They were bound by their oaths to give it. Having upon the 16th of March, solemnly assured the Representative of their Sovereign that they had then a unanimous opinion upon it, with only one exception, how absurd would it have been for them to have come down to Parliament upon the 2d of Nov., and declared that as a Government, they had none to offer, that too, be it remembered, a question of prerogative. He confessed, that if, under these circumstances, they had done so, they would have merited the disapprobation of that house and the withdrawal of that confidence which the country had reposed in them. They would have lost their own self-respect and the respect of that house. The house would thus see that the shape in which the question was now before them was the one by far the most embarrassing to the Provincial Administration. He said this, not because he was apprehensive of the result; for he believed that in the opinion of that house, and of the people of United Canada, they would be justified in the course they had taken. They either possessed the confidence of the house or they did not - they either were the persons who possessed the confidence of the majority of the people of Canada or they were not, and if they were not, the sooner they left the place they now occupied the better; but whilst they remained in it, they would endeavour to form a correct opinion upon any great question that might be submitted to them, involving the interests of their country, and fearlessly lay it before the

house and the public. They had done so in the present instance, and were prepared to stand or fall by the result. Having finished this part of the subject, he would now advert to some considerations that were brought forward rather as objections against removing the seat of Government from Kingston, than as arguments in behalf of its present location. It had been said that the question was already settled, and claims were ... set up in behalf of this town; but he would ask when, and how, and by whom was it settled? It was not settled by the Union Act; and if it were said that it had been settled by Lord Sydenham in any public document, let that document be produced. He defied any man to shew any public document of Lord Sydenham's, by which the Seat of Government was ever settled at Kingston. It was well known that many statements of different sorts were attributed to Lord Sydenham. He had said so and so to this one, and so and so to that one; and reference had been made to a late publication of his memoirs, in which it is stated in a note to a friend, that he would "probably" fix upon Kingston as the Seat of Government; but he need scarcely ask the people of Kingston if they would depend upon a note from one brother to another, as the charter of their metropolitan rights. If ever the question had been settled, where would they naturally look for the terms of that settlement? where but in some public document; but there was nothing of the sort to be found. It was idle then for people to say that it was settled. The place for the Seat of Government never has been settled since the Union; and if any think otherwise let them shew when and where it was settled. It had been said that the placing of the Seat of Government within the bounds of Upper Canada was one of the conditions of the Union. He (Mr. B.) was an Upper Canadian, and would yield to no one in regard for its welfare, but he distinctly repudiated all notion of any conditions having been entered into in that transaction, as between Upper and Lower Canada. A condition implied a contract; to a contract there must be two assenting parties; and where he would ask was Lower Canada when this contract was supposed to be made? Was it in reality a party to it? Had both Upper and Lower Canada had their Parliaments, and had commissioners been appointed, invested with power to make such a contract, then it might have been binding upon the parties, and any breach of it have been a ground for agitating a repeal of the Union; but there was no similarity between the Union of these two Provinces, and the case to which he had referred. It was in effect a marriage by proxy, in which one of the proxies was appointed by a third party. The Union was, in truth, an act of sovereign power upon the part of the Imperial Government. The objections being now removed, he would consider some of the prominent reasons that had induced him to advise Her Majesty's representative that Montreal was the most fitting place for the Seat of Government. What was the great object of all governments? The object of Government was to legislate for the benefit of the whole people, without regard to class or sectional divisions, and any government regardless of this consideration, neglected the first duties of its high position. Again, a government ought to have a deep sympathy with the mass of the people, and ought (to promote this sympathy) to consult their wants, their wishes, and their prejudices; for without this being done, it would fail to produce happiness, and as one of the means of producing that sympathy, the Government should be placed, as much as possible,

within the reach of all. If he were correct in these principles, then by running the eye over the map of Canada, there was no spot that could be found better calculated to promote those objects than the city of Montreal - no spot so much within the reach of both two races. If you go farther East, to Quebec, for instance, there you will find a considerable mixture of both races, owing to its being the great mart of the timber trade. If you go farther West you will find but few persons of the French Canadian race; but if you go to Montreal there you will find persons of both races in almost equal proportion. There a member of Parliament from the West would be equally at home with a member for the East, if not more so; for the difference in the number of the population of the two races would be found to be in favor of those of British origin. In that city, therefore, no such estrangement could exist as that which must fall to the lot of one or the other, if the Seat of Government were placed in a town or city, the population of which was composed exclusively of persons of the same origin and language. It is, therefore, the place where it should be placed. It is emphatically the city of Canada, and the place where the general interests could be best conducted. For what are those interests? They are both agricultural and commercial, including, of course, in the latter our extensive carrying trade; and Montreal must be looked upon as the spot in which they all unite. - What city was the repository (sic) of all the trade and commerce of the country? Was it Kingston or Montreal? Were it populated even by persons exclusively of French origin, looking to the future, he would still advise that it should be placed in that city. It is the place for the capital, for nature has made it the repository (sic) of the trade of the West, and it is idle to raise obstacles against a city which nature herself, from its geographical position, has pointed out as the capital of United Canada. -- The only question, however, which we have now to consider is, whether the Seat of Government should be placed at Kingston or Montreal. We have only to say whether we shall make a sickly attempt to keep the Legislature and the Executive here, or take it to the real heart of the country where all our great interests are united. He regarded that as a narrow and selfish policy that would lead them to place it here. (Hear, hear, hear.) He felt that history would afterwards smile at such statesmanship. - Montreal as the heart of the country, was the place where the Seat of Government ought, and must ultimately be placed. There the trade from Europe meets the trade from the West. It was the great emporium of the country where all its interests are centered. It was said not to be central. If by this was meant that it was not the mathematical centre as respects the superficial area of Canada, it might be true that it was not central, but he would ask was London the centre of England? was Edinburgh the centre of Scotland? was Paris the centre of France? If an attempt were made to take the Seat of Government, in every instance, to the geographical centre, then it would be removed from those cities, and it would probably be found placed in some obscure neighbourhood that had never yet, by its natural resources, risen beyond a mere country village. But Montreal was said not to be the centre of population. This might be

so, if the place of residence of all the inhabitants scattered throughout the country was to be considered, but are those cities to which he had referred the centres of population considered in this sense? It was the centre of population in its most important sense, as the place around which the largest mass of the people are collected; and if the centre of interests was to be looked to, then Montreal is and ever must be the centre. But an objection has been advanced against the removal of the Seat of Government to Montreal, (or rather it is urged as a reason against it,) that it was necessary to bring the French Canadians to Kingston to become better acquainted with the principles of the British Constitution, and with our institutions. The hon. and gallant knight smiles, and well he may at the idea of bringing such men as the hon. member for Richelieu here, to learn the principles of the British Constitution at the feet of the gallant knight, as at the feet of a political Gamaliel. As far as he (Mr. B.) could judge of the political acquirements of the members from Lower Canada, they could stand at least a fair comparison with those from Upper Canada, and the latter might safely go East to learn much that would be both valuable in principle, and useful in practice. Another objection advanced was that if we should remove the Seat of Government to Montreal we should be under French domination. This bug-bear was raised to excite prejudice and alarm the misinformed. Where were the evidences of this spirit? (Hear, hear.) The hon. member for Toronto cries (Hear.) He, Mr. B. could produce evidence to shew to what extent this spirit of French domination prevailed among Lower Canadians. When, during the last year, his hon. friend the member for the 4th Riding of York, was called upon by Sir Charles Bagot, to assist in the formation of the present Provincial Administration, how many French Canadians were included in the arrangement? only two. In a Government composed of eleven members there were only two French Canadians. Did this look like French domination? (Hear, hear.) Then again if they looked at the representatives in this House, of the 43 (sic) members elected for constituencies in Lower Canada, how many were French Canadians? Not one half - 6

A voice, only 18.⁷

((MR. BALDWIN resumed:)) did that manifest a spirit of French domination? (No, no.) He Mr. B. did not think that such fears as these should exist in any mind, when all their acts shew that they are groundless. He would not go into all the topics touched upon in the Minute of the Council, as he did not wish to trespass unnecessarily upon the time of the House, and had only dwelt upon some of the great principles upon which he thought the question now before them ought to be decided. He had now done. He had traced the history of the question to the present time - he had shewn that the Provincial Administration were in no way responsible for the embarrassing position in which it was placed; and he had laid before the House the main grounds upon which he had felt himself bound to tender the advice contained in the Minute of Council; he would now conclude by moving the resolution of which he had given notice. He hoped the question would be debated with all that calmness which its importance required; he had

endeavoured to do so himself and if he had failed in that object it arose from want of sufficient tact and judgment rather than from inclination. By taking that course he best fulfilled his duty to his Sovereign and to his Country.⁸

Two or three members asked, if the House was to go into committee on the resolution.⁹

MR. BALDWIN replied, that he had had too much experience of the impropriety of discussing general topics in committee, and therefore did not intend to commit the first resolution. The second he should, as it involved a money grant. But if the House wished to go into committee on the first, he would not oppose it. (No, no.)¹⁰

((The resolutions were read.))

1. Resolved, That it is the opinion of this House, it is expedient that the seat of her Majesty's Provincial Government for this Province, should be at the city of Montreal.

2. Resolved, That upon her Majesty, in the gracious exercise of her Royal prerogative, giving directions for the location of the seat of the Provincial Government of this Province in the City of Montreal, this House pledges itself to provide the necessary supply for the expenditure which may be expected to attend upon the establishment of the seat of Government in that city.

3. Resolved, That an humble address be presented to Her Majesty, embodying the foregoing Resolutions.¹¹

MR. BOULTON regretted exceedingly to differ with his hon. friend who had just sat down upon the most important grounds which he had taken in the course of his argument. With respect to the early history of the question before them, it was a point upon which he was not disposed to enter: or to allude to any previous discussion: it had come before the House in a business shape, and they were called upon to vote either one way or another as the subject might be viewed by hon. members. If he could have concurred with the Attorney General in the views which that hon. gentleman had expressed, he would with pleasure have seconded his motion; but he had not seen any grounds assumed in the course of his argument which would induce him (Mr. Boulton) to support the resolution now offered to the House. The hon. gentleman had said Montreal is the natural Capital of United Canada; and in a commercial sense he was ready to grant it, but not in any other, but in a general sense, having reference to centrality, to convenience, or its defenceless state, it certainly was not the natural capital of this country. The hon. gentleman had sought to establish a parallel, by alluding to the Capitals of Europe, and had asked them were those capitals placed in central situations? He was ready to admit they were not; and he had told them further that the most important places had been selected as the capitals. How came it that Paris was the seat of government in France? Because it was the seat of Arts; and to a

like cause, and to circumstances peculiar to the martial spirit of the age in which the present European Capitals sprung up and took the first rank, did they owe the distinction of being the seats of government. The comparison with the other older states, was, however, hardly a fair one; the character of the people and the spirit of the age are different from those of the period to which he had alluded. It was not to the old European States but to the new American States, situated in most respects like ourselves, that we should look for examples of the description required, for in these States only has the voice of the people been expressed and acted upon in fixing a seat of government. Where in the United States had the Capital been placed? Not in New York, the great commercial emporium of the country, lying on the seaboard, and having in fact the argument in its favor of the greatest convenience, being accessible to ships at all seasons of the year - but in Washington, an inland, secluded, low, swampy place. And he recognized in the selection which had been made the exercise of a sound and wise policy - a policy in accordance with the genius of the government. They required not a large city in which was to be found some hundreds of thousands of inhabitants, and where that public opinion, upon which so much stress had been laid, might be said to be found - the public opinion of a section, no matter how great the population crowded within the limits of a city - but a place where the opinions of the whole might be expressed and acted upon, unbiased by local or sectional feelings. New York was an important city, the greatest commercial emporium on this continent, and likely to remain so; yet nobody ever dreamed of making it the capital of the United States, or of its own State, although in it might be obtained the opinions of half Europe. The people of that State removed their capital from New York and fixed it at Albany, a small place at that period on the river Hudson, and they have never complained of that removal: on the contrary, although large and costly buildings have been erected in the latter place for the accommodation of the Legislature and the Executive Government, it is complained that the capital is not sufficiently in the centre and it is proposed to remove it further west to Utica, a place not much larger than that in which the Canadian Parliament was now assembled. That was the policy pursued not only in this particular State but throughout the Union, and it was that policy which secured the expression of the voice of the people without any interference on the part of any particular prevailing interest centred at the seat of government, and led to a feeling of confidence on the part of the people that as no great sectional influences could be brought to bear on the action of the Legislature, there was a security for the due care of the general interests of the State. Our situation in this country was similar to that of the neighboring States: a system of responsibility had been introduced into the government, and brought to bear upon the Legislature. The popular branch represented the feelings of the people, in different sections of the country, but unfortunately, whatever might be said to the contrary, the two great interests of the country, the commercial and the agricultural did not work freely together, and if they removed the Seat of Government to the city of Montreal on the ground of its being a commercial city, it would

create a feeling of distrust - a feeling which they could never remove - among the farmers of Upper Canada, that their rights would not be as well protected in a commercial city as where the two to which he had alluded met on neutral ground. (A laugh.) Hon. gentlemen might not laugh, when, after so recording their votes, they went before the farmers of Upper Canada to seek a re-election to Parliament. (Hear, hear.) He could tell them that already was the feeling entertained that too much opposition to the agricultural interests of the country was centred in Lower Canada. He did not allude to French members; he did not desire to do so; he had ever spoken of them and entertained towards those gentlemen the highest feelings of respect; nor did he impute to them now any improper motives; there was no doubt they meant well; but they spoke of going to Montreal for the purpose of obtaining a great public opinion, he must express his conviction that it was a species of opinion not at all desired by the people of Upper Canada. (Hear, hear.) As he said before he did not make particular allusion to the French Canadians, for there were really no Frenchmen in the country, they were all Britons, living under the same constitution and claiming the same rights, and if he could bring himself to believe that the interests of the country would be advanced by a removal of the Seat of Government to Lower Canada, he would as readily go to Montreal or any other city in that Province if there was not an individual of English descent in it - he used the word English as a general term, - he would as soon confide his rights to their guardianship. They were not French; he did not see any Frenchmen in that House. There were none before him who could not go to the British Isles and be returned for any constituency, and therefore there was no distinction between them. The hon. gentleman here cited as an illustration an anecdote of a friend of his who was a Frenchman, but had some time resided in this country, and was able to speak but little English, having visited the Mother Country, and on his return came by a packet in which the passengers were nearly all Americans. In one of their conversations, the subject turned upon the late war, and much abuse was heaped upon the British Government, which drew forth his (Mr. B.'s) friend in a warm and energetic defence. When relating the circumstance to him (Mr. B.) the old gentleman warmly said, "I was the only Englishman amongst them," plainly shewing, that although born in France an English heart was beating within him, (hear, hear,) and that the circumstance of his birth had made no difference in his feelings. (Hear, hear.) The gentlemen from Lower Canada were similarly situated; if they made use of the language common to the country, still their education was essentially English: their knowledge of constitutional law was drawn from English precedents, not from those of France, and he was sure he had frequently been delighted when the venerable member for Richelieu rose in his place and discussed with them constitutional points, which he at all times did with the greatest ability. There were, therefore, no Frenchmen here, and taking that ground, he was right in saying that the population of Lower Canada ought not to be treated as a hostile race, but as Britons occupying one large tract of the country and we another, coming to this place through their representatives to debate their common rights. With these views he could not but express himself delighted with the tone and

manner in which the hon. Attorney General who introduced the resolution before the House, had addressed himself to the consideration of the subject which that resolution contained. The subject was one well worthy of that calm and serious consideration, looking upon it as deeply affecting the interests of two extensive Provinces, the people of which, though differing in many respects in religion and social character, were united under one Government. Both had claims and interests peculiar to themselves, and the Seat of Government had been made a matter of contest. He was willing to divide the loaf, but not to give all on one side. Montreal already possessed many advantages, but independent of such a consideration he did not think it a fit place for the Seat of Government of United Canada; and in proceeding to the discussion of the question, he would endeavor to look at it as a statesman ought to look at it, and at the same time as an Upper Canadian, satisfied that his hon. friends near him would look after their own interests. He felt that unless he did so, he would be wanting in his duty to those who had placed him there to guard not only their own rights, but the rights of others. With respect to the city of Montreal, he would have no objection to making it the temporary Seat of Government. But when he looked at the actual condition of Canada, the rapid progress of the Western section, he could not think that it was a place in which permanently to fix the Seat of Government. They had been told that Montreal was the great centre of the Province; he would ask in what? Certainly not the centre of the agricultural interests of the country; and it was fast losing its commercial greatness by the diversion of a great portion of its trade to several Western places. Then of what was it the centre? of nothing? It was, no doubt, a great and a wealthy commercial city; but the remarks made by his hon. and learned friend who preceded him, did not apply in any other sense. When he looked to the population - a most important consideration in coming to a decision upon the question before them - its comparative increase in Upper and Lower Canada, he could not see by what reasoning hon. gentlemen arrived at a conclusion in favor of fixing the Seat of Government at Montreal. What was the State of New York when the capital was in New York city? Why, it was a wilderness; as the country progressed it was found necessary to remove the seat of the Executive Government to Albany; now that state is filled with canals, railroads and other improvements, with a population nearly double that of United Canada; and as he had before said, a second removal was in contemplation. Now look to the condition of that country, when the seat of Government was fixed at Albany, and let hon. gentlemen take a lesson from it to guide them in their present decision, and not look merely at the present, but look a few years hence. To enable them to do so, he would refer to the comparative increase of the population of Lower and Upper Canada: - From the returns laid upon the table of this House, said the hon. gentleman, it appears that by the census taken in Lower Canada, according to law, in 1825, that the population of Lower Canada amounted to 423,630, while that of Upper Canada, in the same year, was only 157,425 souls. The next census in Lower Canada was not taken until 1831, a period of six years, after when the 423,630 had increased to 511,917, being an increase during 6 years, of 88,287 souls, or barely $3\frac{1}{2}$ per cent on the

original sum. In 1830 on the contrary, the census for Upper Canada exhibits the increase of its smaller number of 157,425, in a period of 5 years, instead of 6, to 211,567, exhibiting an increase of 54,042 in 5 years, or a little over 7 per cent of the former census. But the next period of 5 years is still more remarkable. In 1831 I have shown the population of Lower Canada to have been 511,917, and that of Upper Canada, in the previous year, 1830, had multiplied to 344,500, shewing an increase in 5 years, of 132,933, or $12\frac{1}{2}$ per cent on the sum of 1830. We have no census for Lower Canada since 1831, but I assume that the population there increased at the same rate for the next 4 years, as from 1831 to 1835, that it did during the previous one, of 6 years, from 25 to 31, which was $3\frac{1}{2}$ per cent on the sum of the former year. We shall find that in 1835, Lower Canada contained a population of 583,585, shewing an increase during those 4 years, of 71,668. In 1840, including the long lapse of harrassing disturbance, which began in 1837, repelling immigration, and compelling emigration from Lower Canada, the population at the same rate of increase which was applied to this calculation before that disastrous and calamitous period, will bring up the population of 1835, viz. 583,585, to 685,710, while the population of Upper Canada from 344,500, the census of 1835, had in 1840, increased to 427,078, shewing an increase during the same period, and influenced by the same causes of repulsion, of 82,578, or 5 per cent upon the sum of 1835, which shows that 344,500 people in Upper Canada, had increased under all these disastrous and untoward circumstances in a period of 5 years, to as great an extent as 423,630 had in prosperous times, viz. 1825 to 1836 in Lower Canada. The calculations and census being thus brought down to 1840, shewing 685,710 for Lower Canada, and 427,078 for Upper Canada, we will contrast the next 2 years of progressive acceleration in the two sections. The returns for Upper Canada for 1842, shew the sum of her population for that year of 486,055, being an increase in these 2 years of 58,977, or the old rate of 7 per cent before the troubles and under ordinary circumstances - while pursuing the former mode of calculation with regard to Lower Canada, in the absence of positive returns, it will be found that the 685,710 assigned to Lower Canada, in 1840, will have increased in 1842 to 735,708, shewing a gain in these two years of 49,998, while in Upper Canada, in the same time, a population of 427,078, shews a gain of 58,978, or 11,000 over Lower Canada. These calculations in favor of Lower Canada, give a greater population to it than the returns from the Roman Catholic Bishops at Quebec and Montreal, and the Government estimates for these latter periods, which any member may refer to in the blue book just laid upon the table. Taking these facts as the data upon which to proceed, it would be found that in fifteen years the population of Upper would more than equal that of Lower Canada. And what was a period of fifteen years in the legislation of a new country? Nothing - absolutely nothing. Then how were they going to remove the Seat of Government to Montreal? - By going into committee of the whole and voting the necessary expenditure. And who was to pay that expenditure; he would tell them - the large population of Upper Canada. Yes, they would have to bear that expenditure, and would they feel satisfied in paying for the location of

a Seat of Government where they did not want it. He was, therefore, against the removal there, and indeed against any present permanent location of the Seat of Government. He entertained no feeling against Montreal; he was delighted to see that fine city proceeding in the accumulation of wealth and in improvement, but he could not consent to Upper Canada being obliged to look to it as her capital. Another objection was that it was not a place convenient for the greatest number of persons who have business with the Government; nor was it convenient to the members of that House. All the members from Lower Canada, with perhaps two or three exceptions, could be concentrated in Kingston in 48 hours; but supposing the Seat of Government was at Montreal, and a call of the House took place on important business, as it had done that day, what would be the situation of members living in the Western section of the Province, at some seasons of the year, of the hon. member from Huron, for instance, and others in the Western Districts? Why, instead of getting here in 48 hours, it would take them nearly as many days.¹²

Honorable member for Huron ((DR. DUNLOP)) - That it would,¹³

((MR. BOULTON)) continued: A large portion of the journey had, at all seasons, to be performed by land, and in winter the whole must so be performed; and any one possessing but a tolerable acquaintance with the delightful state of the Western roads, would form some estimate of the difficulty of going a dis-((tance)) of about 700 miles on such a route. The consequence would be, that the matter upon which the call had been made would be decided before there was a possibility of those members reaching their seats. Had they any assurance there would be no winter Sessions if they removed to Montreal? And if there was a winter Session the people of that section of the country would hardly hear any thing of their deliberations until the following Spring; at all events, it was absolutely impossible that they should hear in time to remonstrate against any contemplated proceeding. This was a most important consideration; and there was another which he would mention in connection with it, the greatly increased expense to the people of Upper Canada having to visit the Seat of Government on business, and it was admitted on all hands that they almost exclusively transacted business with the Government; the same complaint cannot, therefore, be urged by the people of Lower Canada. This increased distance would not be alone inconvenient on the score of expense, but on account of health, which was frequently impaired by the length of the journey. These were difficulties not felt by the people of Lower Canada. He was opposed to fixing the Seat of Government any where until he saw the measure of the Union accomplished. He felt that it could not and would not be satisfactory to that portion of the country from which he came, to remove the Seat of Government so far from them, and for that reason he would oppose it. Having said thus much with respect to the motion made by his hon. friend, he would now advert to the reasons which had been advanced by the hon. gentleman in

defence of the course pursued by the Government in making this a cabinet question. (Hear, hear.) He confessed he could not see why it should have been made a cabinet question; in his opinion it was one which of all others should not have been placed in that position. The reason assigned is, that the Government at home desired that it should be laid before the House. Why? ~~They knew well the Government were~~ commanded a majority in the House, and so long at least as the present Parliament lasted, would be sustained by the House. They had the opinions of the Administration sufficiently expressed in the Minute of Council which had been transmitted to them last March, and that it was only necessary to embody their opinions as a government measure to carry it. Then what was the object of the reference? Assuredly not for the purpose of getting the opinion of the majority of the House acting as a party but for the purpose of getting the unbiased opinion of all the constituencies of the Province expressed through their representatives in Parliament. (Hear, hear.) That was, he ventured to say, the design of the Imperial Government in this reference. He did not pretend to have the same advantages of information as his hon. and learned friend, but he took the common sense view of it, and he was satisfied he was right. That course, however, was not pursued without an object; they had been told at the very threshold of the debate by his hon. and learned friend who moved the resolution that being a cabinet question, the very existence of the Provincial Administration depended on their decision. Now, he asked, was that the mode by which the minds of the hon. members were to be brought to give a free and unfettered expression of their opinion either of themselves or of their constituents upon the great question before them? No. It was the best mode that could have been devised for preventing - and he had no doubt such was the object - an unbiased opinion from being expressed upon the subject. Those members who were in the habit of supporting the Administration of which he (Mr. B.) was one, were told that unless they supported the Administration on that occasion, surrendered their own opinions upon this question, and blindly followed the hon. gentlemen on the Treasury Benches, those gentlemen may be driven to resign, and the government fall into the hands of their opponents. It was a course not at all fair to Upper Canada. All Lower Canada went as one man to carry the Seat of Government to Montreal, and it was sought to split Upper Canada by making it a question of life or death to the Administration, when it was known that a large majority of the members from that section of the Province were its friends. It was placing members for Upper Canada in a false position, on the very horns of a dilemma. If they stood firm by the best interests of their country, and protested against the Seat of Government being removed and fixed permanently in Lower Canada, then they sacrifice the Administration; if they support the Administration and vote for that suicidal resolution, then they sacrifice the country. Now, although agreeing in the general policy of the Government, and desirous of giving it an honest support, yet when one's country calls aloud that the course advocated by the Government is destructive of almost its independence, who would hesitate between the impulse of party and his known duty to the country? There could be no doubt on this point in the mind of any independent member, and he for one

would set the example of supporting the dearest and most vital interests of his country in preference to any party combinations which could be formed. If the present question was one of temporary expediency, he might possibly hesitate, but when told that it is intended to fix permanently the Seat of Government in Montreal, when in ten years hence the large majority of the population would probably be to the westward of Kingston, he could not hesitate. He could easily understand why gentlemen representing Lower Canadian constituencies wish the Legislature to be under what they call the large and beneficial influence of the public opinion in Montreal, because that would doubtless reflect in a very considerable degree the public opinion of Lower Canada, but that Upper Canadian members should allow themselves to be seduced from their allegiance to their own constituents, and upon such obviously prejudicial grounds to themselves advocate the meeting of the Provincial Legislature in the midst of the political Lower Canadian atmosphere of Montreal, was passing strange, and beyond his comprehension, on any disinterested and sound principles of argument. His hon. and learned friend the Attorney General had alluded to the fact of his being an Upper Canadian; he (Mr. B.) could not say the same respecting himself; but the greater portion of his life had been spent in this Province, and he felt an anxious desire that the interests of Upper Canada should not be overlooked in the consideration of this important question. He thought the question should have come down to that House denuded of all party character. If it was referred to the people of Upper Canada, he was satisfied that it would be found eight tenths were opposed to any permanent settlement of the Seat of Government at the present time, especially at Montreal. It had been argued in favor of Montreal that it contained a large proportion of inhabitants of British descent. It mattered not to him whether its inhabitants were French or English. Its character and interests were essentially different from those of Upper Canada. It was indebted to America for its prosperity; Upper Canada to its agriculture; and he doubted very much that the farmers of this section of the Province would like to have their interests settled by the Board of Trade of Montreal, or by the hon. gentlemen in this House, representing Eastern Canada. Those members had sedulously voted against the interests of the greater portion of the people of Upper Canada. He did not now speak of the French Canadian members, but of the members generally who voted against measures which the farmer in his section of the country desired to see carried into effect. (Hear, hear.) Neither did he say whether that course was right or wrong, but that it was at variance with the interests of Upper Canada; therefore, in removing the Seat of Government to Montreal, as a commercial city, it would be felt, as he had already stated to the House, that it was not a place in which the agriculturists of Upper Canada would find their interests protected or advanced. In arguing the question before the House it should not be lost sight of that the inhabitants of Montreal are not only of different origin among themselves, but that their laws, habits and turn of thoughts, social, economical, and political, are different from those which characterize the people of U.C., nor that they were unacquainted with the laws affecting property and civil rights; that one half the population speak

French, and that those of English origin have in a great measure, by long residence and habit, become so far imbued with the same opinion, that in conversing with a Lower Canadian either of French or English origin, the chief difference to be observed is in the language, the ideas whether expressed in French or English, being identical in relation to the commercial, agricultural, or political interests of Lower Canada. He made no distinction of race; all those representing Lower Canadian constituencies, whether of French or English origin, he regarded as representing Lower Canadian interests and opinions, and it was in vain for Upper Canadians to shut their eyes to the fact and deceive themselves by hoping even against all hope, that in any question affecting Upper Canada they will find any more sympathy in the bosom of one race than the other. He pronounced it to be illusory and warned his friends, the Reformers especially of Upper Canada not to be led away by any such idle expectations - Lower Canadians, like a bundle of sticks well bound up and tied together, were strong and powerful, while we by our disunion and party strife and absence of cohesion, even while our very independence was endangered, are swept off the floor by our antagonist bundle of sticks as one would brush away cobwebs with a broom. But there was another important light in which every debate in that House was replete with warning that if they did meet in Montreal their Upper Canadian position will be vastly changed. His hon. and learned friend from Richelieu, with many others, is constantly complaining that here in Upper Canada he is obliged to use a language he does not find it so convenient to address this honorable House in, as his Mother Tongue, and it has been called by an hon. and learned gentleman elsewhere a badge of slavery to which they should not submit. Now, let it be asked what is meant by this? Is it not that in Montreal the Seat of the House will present that large assemblage of public opinion who think, speak, and feel as Lower Canadians, and in a language unknown to the members from Upper Canada, and their constituents to whom powerful declamations will be addressed, and which those from Upper Canada would not understand, except by the expression of satisfaction with which those at the bar may hear their interests advocated at the expense of ours, and that with a consciousness that we are sold without having the satisfaction even of knowing the price. What is the object of debating questions in that house, if not to interchange ideas with each other and to convince one another by argument, rather than to address the Bar, of whom that house should act as independently as if its doors were closed. Therefore there was nothing in the argument that French gentlemen cannot be understood here, while they are obliged to speak - what I am happy to find they all of them can do - good English, which all understood, although it was probable, should they change their habit in Montreal and address the House in French, they would find their speeches applauded by those of the Bar, to whom they ought not to be addressed, while a large portion of those within the Bar remained totally ignorant of what was passing and would sit unmoved amidst the surrounding declamations of which they could not comprehend the meaning. There were some further topics of a statistical nature, which the hon. member urged should not be lost sight of, as they were intimately connected with the sound view of the question before them.

They were called upon to fix the Government permanently in Montreal and to vote £100,000 or perhaps £200,000 for the erection of appropriate public buildings, to be worthy of a great country. It was admitted at the same moment that they had not one shilling in the Treasury, and that their credit was to be put in requisition to raise the necessary funds. That was a most important question for their consideration, and he felt persuaded that the House would not, under present circumstances be justified in sanctioning such an appropriation. If it was desirable to remove the Seat of Government to Lower Canada why not to Quebec, where already had been erected suitable buildings at an expense of £36,000 and which, in the event of going only to Montreal, must be abandoned. He had already trespassed longer than he intended on the time of this honourable House, and would offer but very few further observations on the question. He had examined anxiously, deliberately and dispassionately, as far as he believed any man could, the very important question to which their attention had been directed by the resolution of his hon. friend, whether Montreal or Kingston should be permanently fixed upon as the Seat of Government, he felt persuaded that it would not be satisfactory to the public in both sections of the Province. Whichever obtained the great object, would be looked upon by the other as having obtained an unjust advantage; and although some persons were of a different opinion, he felt persuaded that for the next 20 years at least, and until we had experienced the strong working of the Union, which could only be looked upon as an experiment, in which, however, he wished every success, and which, ((he)) would sacrifice a great deal to preserve, no permanent location for the Seat of Government should be selected. He thought an alternation of Parliament for 4 or 5 years at a time in Lower Canada, as the Queen should appoint, would alone give general satisfaction; but if the Seat of Government were to be fixed now at some one place, he thought, for the reasons he had assigned, that it ought to be in Upper Canada, and therefore should meet the resolution which his hon. and learned friend the Attorney General for Upper Canada had proposed, with his decided negative.¹⁴

Hon. MR. VIGER, said hon. gentlemen might remember the views he had expressed in his first speeches in the House after the consummation of the union of the Provinces, though they had never appeared in print. He had, among other things, dwelt particularly upon the grounds of complaint of Lower Canada against its enactment. He had pointed out the inequality of the conditions in which the two provinces were placed - the absence of all just reciprocity, in the want of their due share in the representation of the country, which did not amount to one fourth part, though they were by far the greatest number. He had pointed out the strange claim by which they were deprived of their language; and he remarked, at the time, that at his advanced period of life, he was unable to render those services in this House which he could wish, and which his experience might enable him to do, on account of his being under the necessity of using a language different from his vernacular tongue; and though he was permitted to speak his own language in Parliament, he was, de facto, deprived of the means of

being understood in it, and was forced to speak in English, which stained Lower Canadians with a degree of inferiority in this House, though he must acknowledge he had reason to feel grateful for the kindness and indulgence with which he had been treated with respect to this, by members on both sides of the House. He had remarked, at the time, and he would again observe to day, that some of the Clauses of the Act of Parliament were in fact, neither more nor less than some of the stipulations of the treaty by which Holland, with an enormous debt, and Belgium, without any debt at all, had been put under the same Government by the powers of Europe; and by which the first of the two countries with only one half of the population of the second, had been allowed an equal, if not a greater number of representatives. He had at that time pointed out the direful consequences that had flowed from that miserable treaty by which they had forced a union between two different classes of people having so much dissimilarity in their manners, customs, and laws; and perhaps in their interests; and where association of ideas must have had so little in common. In fact, he had remarked among other things that the union could hardly produce advantages to the people of the two provinces now, on account of the great extent of territory upon which the government would have to act; that the different circumstances in which the two people (sic) were placed, besides the difference of laws, customs, usages, and language - the difference of climate - of productions and of geographical position, naturally gave rise to different wants, and were accompanied with different evils, and that to men so situated, the remedies of the evils could not be the same, and the manner of satisfying their wants must be different, and sometimes opposed. It had been remarked by an eminent public writer, that the laws which might be best for one portion of a large country, might become a curse to another portion beyond certain limits. After having made these observations and many others, as applicable to the people of the two provinces, he observed that the English Colonies had been more prosperous than those of any other nation, because they had a number of separate Legislatures, though united under the same Empire. He had previously remarked that in the middle ages the inhabitants of the different provinces which were under the domination of the Dukes of Burgundy, had been the most prosperous of all that part of Europe, in commerce, in industry, in agriculture, in manufacture, and navigation; and the cause of that prosperity was to be found in their having separate Constitutional Governments, protected by the General Government of the Duke's. After having dwelt upon these remarks he had observed, that, in spite of all the obstacles that resulted from the anomalous situation of the two people (sic) of this Province, they had the means of preventing most of the direful consequences which had arisen in other countries similarly circumstanced, and of benefiting each other. The means to be used were to be guided, in their conduct towards one another, by principles of the strictest justice. This view he had expressed and now had reason to hope that they would be actuated by this feeling of equity towards each other; in fact that they would labour to procure for each other reciprocal benefits. He had now to say that the question to be decided upon at present was neither a problem of Geometry to be solved, nor a question of Geography; it was a political problem. They had to determine not upon the Geometrical or Geographical centre of the Province for the Seat of Government,

but to make a choice of a place which would offer the greatest advantages to the people of both sections of the Province, as a centre of the communications for private and public business, as the place that would afford the easiest access to all - where they could meet upon equal terms; and with an equal means of facilitating the political education of the inhabitants of all parts of the country which was one of the first duties of Governments and Legislators under a free constitution. He would appeal to hon. gentlemen and ask them whether Paris, or London, or any other capital in Europe was placed in what we should call the Geographical centre of the country. Reference had been made to the United States; but even there the capitals were not all placed in the centre, and he would remark, that, even if they were right with regard to the matter of fact, it would be no reason for us to adopt the same system. In the United States the weal of the people alone, without any counterbalancing power, must rule; under our constitution there must be a reciprocal influence of the Government and the people acting upon one another. The public must have an influence upon the Government, and the Government must endeavour to exercise a salutary influence to direct it as well as receive an impulse from it, and this must be done by having the Seat of Government in a capital which possessed those advantages which he had just pointed out. Look for instance at the advantages resulting in England from the Seat of Government being placed in London, though not the Geographical centre; inhabited by a great body of people, and possessing a number of daily papers which circulated with such amazing rapidity that every citizen had upon his breakfast table every morning the parliamentary debates of the preceding night whilst they were the subject of conversation in the Metropolis. They were circulated rapidly throughout the three Kingdoms and in a few days throughout the whole of Europe. Thus it was that the speakers in the Houses of Parliament became as it were the legislators of the world. With regard to this Province, no body could deny that Montreal was in possession, if not of equal, at least of analagous (sic) advantages, as far as the inhabitants of the two Provinces were concerned. Montreal might be called the centre of the commerce of the two Provinces. It was the general depot where the canal navigation began, and where the sea navigation ended - it was the centre of communication with the United States by Lake Champlain, and the river Hudson. There was in particular one reason for placing the Seat of Government there, besides the circumstance of its being a natural centre for business. It was the centre of the largest population at any given point of the Province, and particularly composed of cultivators of the soil, - the place where the two populations would be respectively at home, where they could have men speaking their own language, and similar ideas, sympathies, and affections; one half of the population spoke the language of the Lower Province, the other that of the Upper Province. In Kingston the members from Lower Canada when they spoke their own language could not be understood. In Montreal any member who spoke either of the two languages would be equally well understood and their ideas communicated to the other portions of the Province with the same facility. The hon. gentleman who had just preceded him expressed a sentiment which appeared extraordinary, since his attainments, position in society, and the high functions he has to fulfil, are taken into consideration. He said the Lower Province

prospered more by commerce than by agriculture; and from his speech it was but too evident that he considered the interests of the one and of the other different, and even opposed; and that the inhabitants of the city could prosper at the expense of the cultivators of the soil. He (Mr. Viger) must protest against such doctrines; and particularly against the feelings of jealousy which many gentlemen in this House seemed desirous of exciting in the minds of those engaged in cultivating the soil against those engaged in commerce. These feelings were only to be found in countries under despotic Governments at such times, and where the science of political economy was entirely unknown. If gentlemen would take the trouble of looking at books, they would find them without number to prove the truth of his objection. What man, who had given the least attention to the means of making a country prosperous, could suppose for an instant that agriculture and commerce had opposing interests? The one could not succeed without the help of the other, the resources of the one were developed by the action of the other; and the decline of the one would be the decline of the other. He would not dwell longer upon observations of this kind the truth of which was self-evident.¹⁵

MR. HARRISON said the question before the House was one of the most important which it had been called upon to consider, and he confessed that he felt much diffidence and difficulty in approaching it, involving as it did, matter((s)) of vital importance to the country; not that it was of so much consequence whether Parliament assembled in one city or another, but that interests and feelings were bound up in the general question presented to them, with which it was dangerous to the peace and welfare of the country to interfere; and however it might be desired by some to confine the subject to a general proposition, it must necessarily assume more or less of a sectional character. He regretted it, but such feelings he well knew did and must exist. He was happy to hear it disclaimed as he had heard it in some instances, but it was nevertheless principally treated as a sectional question, and not as one arising from a community of interest. It was really however, a question in which the interests of two portions of the country, inhabited by different classes of people, ... ((striving)) together for the common good, and it was in that view that he desired to look at it. But, as he had already said the question was considered as a sectional one by many, and therefore it was matter of deep regret that Her Majesty's Government had determined on referring it to a body so constituted as that House. He had hoped that the Imperial Government free from the bias of local feelings, would have decided the question with reference to the general interests of the country; in that he had been disappointed; and from the strong excitement prevalent throughout the country, called forth by the unhappy decision on the part of Her Majesty's Ministers to throw back upon the Legislature of this Province the question of the location of the Seat of Government, he feared its continued agitation here would prove but a prelude to the abrogation of that Union which many had slaved to effect, and which they were all desirous to preserve. (Hear, hear.) It appeared to him from what he had every day witnessed that the necessity for that Union, and for binding it more closely, was very great, but whether it would last was more than he could foretell, it seemed as a natural consequence of the present disturbed state of public feeling on a question in which two sections

of the people were arrayed against each other, that the Union could not be of duration, unless the exciting cause of discord were removed. He therefore deprecated the discussion of the question, as one likely to increase rather than allay those feelings of irritation. If they would come to it simply on general grounds, that might be a mode of getting over the difficulty, and he would be happy to see it over: but he was afraid such would not prove the case. They had been meeting together but a little time; not much had been done to remove those feelings with which they had first entered the United Parliament; they had worked together in the production of many wise and beneficial acts of legislation, and were fast losing a distinctive character; but it was not a time to discuss a question in which the local feelings and the sectional interests of those who were thus happily United on other matters would be called into full and active exercise, and that in determined opposition - a subject which of all others should be avoided at such a moment; was that which in its discussion would induce personal feelings. There was another remark which he desired to make as to the mode of treating the subject; he hoped it would not be made a party question; he thought that anything so nearly affecting the interests of the Union should not be treated in any political party spirit. In the observations which he felt it his duty to offer to the House, he would endeavor to avoid everything of that character. The question of the location of the Seat of Government had already been before the House, and its desire not to interfere with the prerogative in the settlement of that important question, had been evinced by the resolution then adopted, referring it back to Her Majesty, with the request that she would be graciously pleased to exercise her prerogative in the decision. That course had not, unfortunately been pursued by Her Majesty, and that House was called upon to advise Her upon a subject so immediately affecting the interests of this country. On a reference to Parliament, the Government had determined to make it a Cabinet question, and there he was at once at issue with his colleagues, and placed in a position which led to his retirement. He agreed with the hon. and learned member for Niagara that it was most extraordinary, if it was thought proper to allow the question to be placed in such a position here, that the representation of the Executive Council made in March last had not been acted upon, instead of requiring a demonstration on the part of that House that the administration possessed the confidence of the people, through then (sic) representatives in Parliament. The preferable time would have been when it was determined to submit it to their consideration, to allow a free expression of the House, so far as that could be obtained, on the question at issue. But there was another consideration which it was necessary to take into the account, in affecting any decision of the Legislature. If the constitution of that House was considered, in his opinion it would be quite obvious, no decision to which it might come would prove satisfactory to the people of the country. It was impossible that even a majority would be satisfied with their decision; far better would it have been for this country had the prerogative been at once exercised, as it would have commanded the cheerful acquiescence of the great body of the people. (Hear, hear.) There would be a vast difference between submission to an authority where the decision was a matter of right, and one which might be accorded to the determination of that House, where

none which they could adopt would prove satisfactory. In the one instance it would be a submission to Sovereign authority, in the other the temporary power of a majority of themselves was all that commanded the obedience of the people; and in such a case the necessary consequence was the bringing into direct and he feared lasting collision the two bodies then asserting opposite rights and interests, and from such a collision here it was not too much to anticipate throughout the country the commencement and continuance of an agitation which could alone end in a separation of the parties, and an abrogation of the Union. That was the reason why he felt the difficulties in approaching the discussion of the subject which he had already stated. It had been stated by his hon. friends who preceded him, in the course of their argument in favor of the resolution before the House, that Montreal was a large city, that it was the emporium of the trade, and therefore the natural centre of the country. But it must be recollected (sic) that a change had taken place within a few years, and that a great portion of that commerce or trade which Montreal centred in itself has already found its way westward, and that the extent of the diversion is everyday increasing. As a consequence of its being that natural centre, it was stated by his hon. and learned friend that the merchants of Upper Canada generally resorted there, and thus was assembled in that city, the public opinion of Upper Canada, as well as the public opinion of Lower Canada, which it contained within its limits. But such was not the case. Montreal was not now the place where the merchants of Upper Canada went to purchase supplies. The mercantile houses in that city were reduced in many instances to mere agencies for the transaction of business. That was a very important consideration in the argument of the question before them. He could not understand precisely what was meant by the assertion that Montreal was the natural capital of the country. His hon. friend the Attorney General, had so designated (sic) Montreal; but it would be shown that facilities exist elsewhere for trade, and that other places may be favorably mentioned. He was ready to grant that prejudices did exist in favor of particular places, and that those prejudices were very apt to magnify their advantages: he must admit that such feelings do exist, but not on one side only, they extended to both, and added to the difficulty of a settlement of the question. He was not disposed however, to argue the question on grounds which might perhaps be considered local; there were some general considerations which presented themselves to his mind, and which he should be wanting in his duty did he omit to bring them before the house - considerations connected with the future existence of the colony. It might seem strange to some that a question regarded by so many as purely local should excite so much attention, and that it should be assumed to be fraught with consequences so important to the country as that its decision should be bound up with the future peace and welfare of its inhabitants. But a close and attentive consideration of the position in which the two sections of the Province now stood - the progressive amalgamation of the interests of the two sections under the influence of an united government, the great importance of that union, and of extending it to a perfect community of interest and feeling, & the evil consequence which must result from a separation and a return to the former state of separate existence - when these were closely

examined and carefully weighed, he had no doubt that all would concur in attaching that importance to the subject before the House which he had viewed it as possessing. Let honourable gentlemen look at the legitimate consequence of such an agitation, and suppose as the result, for they could not anticipate anything else - that the measure of the Union failed, that it did not succeed: a federal union which had been proposed as the next resort, would be rendered impossible, for many reasons sufficiently strong. What would follow then, if the Union did not succeed? He might be pardoned if he went beyond that and saw in its failure the germ of a disruption of another union, but that might now be considered far-fetched. It was their duty however to natch (sic) the progress of course which in their ultimate result must lead even to a consequence so great as that. And here then was another view in which the first of these results should be treated, and that was a consideration of the course of legislation in the Imperial Parliament, having a tendency to put the colonies on the same footing as foreign countries. The protective system would ere long be swept away; the Corn Laws would not much longer exist; and when he saw these effects being produced and considered how the agricultural interests of the country would be made to feel the deprivation of the preference in the home market which they yet enjoyed; he felt the deep influence which the decision of the question before them, if that resolution was carried, would have upon the future state of the country. They all knew the circumstances which he had here stated; yet his anticipations might be looked upon as visionary. It might be said that the Tariff lately adopted would have a tendency to check a portion of the evil; but he was satisfied, if the seat of government was removed to Lower Canada, that Tariff would be of short duration. Then take the people of Upper Canada, dissatisfied from blasted expectations (sic), their prejudices outraged by the measure now proposed - take that view of the case; look at the geography of the country, and consider the position of this section of the Province in such an event, shut out from the sea by a Province, containing a population different in manner, customs, language, laws and habits, whom you will have already found it impossible to amalgamate - for all should be considered by the statesman, - and you will arrive at some proper estimate of the situation of the people of Upper Canada. Then take another view - the tendency of the legislation of this country to that of the United States. The bills which have been introduced to the House this Session by the administration, are chiefly transcripts of laws of the neighbouring State, and in his opinion not improperly so; for the condition of that people and ours was very similar, and it was well that we should profit by their experience. But he mentioned it to exhibit the view which he held up to them of the tendency of our legislation to that of the neighbouring Republic. Let hon. gentlemen look at Upper Canada, in the position which we had supposed, and then let them consider whether they should take any step in deciding a question, involving as it undoubtedly did such important consequences. Impressed with the sentiments which he had expressed, he had prepared an amendment, which he should now read to the House: - 16

(88)

The Honourable Mr. Harrison moved in amendment, seconded by the Honourable Mr. Boulton,¹⁷ that all the words after "That" in the said motion be struck out, and the following substituted--"This House representing so many and such various local and conflicting interests is persuaded that any decision which it may come to upon the question of establishing the Seat of Government in this Province, will be unsatisfactory to the great sections thereof, whose interests may be felt to be compromised thereby, and that in the opinion of this House, the whole Province will more cheerfully acquiesce in the signification of Her Majesty's pleasure on the subject, unfettered by any opinion of the Legislature."

((MR. HARRISON:)) That was the object of the amendment, and in his opinion there was nothing derogatory to the House in submitting an amendment of that kind, not to throw a slight upon her Majesty; the question was clearly a prerogative right, and he could see no reason why they should not humbly desire her Majesty to resume it, independently of any action of that House.¹⁸

DR. DUNLOP, in rising to second the amendment of the hon. member for Kingston, expressed his thanks to the Attorney General who introduced the original motion for the fairness and calmness, in which he had given his views upon the subject brought before the House. There was no question which had been brought under the consideration of the House which required more grave and serious deliberation than that to which its attention was now called. He thought they had reason to complain of the conduct of the government, who had treated the House unfairly in not giving all the dispatches in their possession on the subject of the Seat of Government. God forbid that he should ask for the secrets of state, because he well knew that no government could be carried on if every thing said and done was divulged, but what he did ask for, and what he thought the House entitled to, was the dispatches on this subject, and he would let them keep their secrets. But surely it would not be denied that for the purpose of enabling the House to understand the grounds upon which its opinion on the subject was now demanded, that they should be put in possession of the reasons which induced that reference. His hon. and venerable friend the member for Richilieu (sic) entered at some length into the subject and had adverted to Europe, as a portion of the globe in which they should look for parallel cases. He had told us that Paris was not in the centre of France nor London in the centre of England, in which his hon. friend was perfectly correct; but he had not told them why those places were the respective Seats of Government of the two countries; they became capitals by fortuitous circumstances, not from immediate choice. London became the capital of England because it was the ancient Seat of the Britons, not because it was a village or a town; it was the seat in succession of the Britons, the Romans, the Saxons and the Normans, and became the capital by accidental circumstances. They had been told, and to great purpose, by the hon. and

learned member from Niagara, of the increasing population of Upper Canada; he (Dr. D.) would tell them that during the present Parliament his constituency had doubled, and more than doubled. At the time he came to the country, 30 years ago, there were but 63,000 inhabitants in Upper Canada; the old district of London, including the new districts of London, Brock and Talbot, numbered but 62 militia-men, and there were now in the same space 20 regiments. How could they make a permanent location of the capital in any one place with a shifting population like that? At the period he first visited Toronto, or York as it was then called, he could count but 70 houses from the Don Bridge to the garrison, a distance of nearly three miles; it now contains a population of 17,000 or 18,000 inhabitants: under those circumstances where would they fix upon a capital? Yet Montreal had been selected, and the removal to that city was made a cabinet question. If Her Majesty chose to consult the people of the Province, through there (sic) representatives in that House, he thought the ministry had no right to throw their weight in the scale, and force some of its members into the position of voting for their places. It was impossible that an unbiassed expression of the sense of the House on the question before them could be obtained, when the ministry compel 24 members out of 84 to vote as they direct. (Hear, hear.) There were two, and it seemed only two connected with the administration who had the honesty to prefer their principles to their profits. The administration would not have got a single vote from Upper Canada were it not a ministerial question, and to those members from Upper Canada who supported them on that consideration, he would say, there was no hope for them with their constituencies, and that like the hon. Attorney General West, they could only hope to sit in Parliament again by being Rimouskied. (A laugh.) He had no antipathy to Montreal, he had been treated kindly in that city and no doubt would be as kindly treated again, but he would remind his hon. friend, when he speaks of Montreal being the natural capital of the country, that its natural claims were departing. Sixteen years ago there was not a wholesale store in Toronto, and the Merchants were supplied from Montreal: but that game had changed, for the whole of the supplies for the West went past Montreal, and the local merchants were supplied by the wholesale establishments of Toronto, Hamilton, Niagara, and even as far West as Windsor, and every one must have detracted from the trade of Montreal, and they have done it. But what, he would ask was the object of their debating this question. Would it not have been much better had Her Majesty's advisors been earnestly requested to decide this question of prerogative? But no, not by such means was it desired on the part of the Government to settle it; it must be wrenched out of our hands to obtain a triumph over us (hear, hear.) Had Her Majesty then said that the Seat of Government should go to Montreal, there would be no opposition: it was because it must be torn from them, in this way, that the chief objection was felt.¹⁹

(88)

And a Debate arising thereupon,

MR. DURAND was opposed to the amendment, considering Montreal the emporium of the surplus produce of the country, and consequently the most fitting place for the seat of government!²⁰

Hon. MR. HINCKS was opposed to the amendment of the hon. and learned member for Kingston which he considered of a very extraordinary character. Her Majesty's Government had called upon the House for advice as to the location of the Seat of Government, and had done so after having previously obtained the opinion of the Executive Council. It must be obvious that some strong reason must have induced the Imperial Government to take such a course, and however much he (Mr. H.) might regret that it had been thought necessary to refer the matter to the House, yet he could not conceal from himself the fact that Her Majesty's Government were unwilling to take upon themselves so serious a responsibility without a distinct pledge on the part of this House that the necessary pecuniary aid would be granted. This was evidently the reason that our advice had been called for, and it would therefore be most unsatisfactory to Her Majesty's Government if we were to refuse to give it. If the House were to adopt the amendment of the hon. and learned member for Kingston, in what position would the question stand when referred back to Her Majesty? The Provincial Administration possessing the confidence of the House of Assembly, were not only unanimous in favour of Montreal, but had declared their opinion that they could not satisfactorily render the Governor General any assistance in his administration of affairs, if the Seat of Government were to be fixed at Kingston, and yet notwithstanding all this, the House of Assembly when called on for their advice were to refuse to give it. Were we to adopt such a course we should be trifling with the Imperial Government, and trifling also with our constituents. He (Mr. H.) was sorry to see such an amendment placed before the chair. It declares that we are incapable of forming a correct judgment on a point of local interest, (Hear, hear,) - that we are so much under the influence of local and sectional feeling that our decision must be unsatisfactory to the country, - and further we declare that the people of Canada will cheerfully acquiesce in the decision of the Imperial Government, but not in that of their own Legislature. He (Mr. H.) would repeat that he regretted that his hon. and learned friend had expressed such sentiment in his amendment. Some hon. gentlemen had again in the course of this discussion complained of the want of information in the Message. Now he (Mr. H.) must say that such charges amount almost to disrespect to the head of Government. Can it be supposed by any hon. member that His Excellency has kept back any information of the slightest importance to this House. He has not indeed furnished his confidential despatches, and there are obvious reasons why he could not do so, but even if His Excellency were capable of withholding any information which would be of importance to this House, he would not dare to do so, as he would be liable to impeachment, if, in submitting an important question to the Legislature by the direction of his Sovereign, he were to conceal facts which the Legislature had a right to know. The hon. and learned member for Niagara had stated that if the Seat of Government was at Montreal, the interest of the Province would be settled by the Board of Trade in that

city.²¹

MR. BOULTON denied having used the expression.²²

He ... ((MR. HINCKS)) had taken down the words of the hon. and learned member at the time, and several of his friends near him had also noted them. However he (Mr. H.) was glad to find that the hon. gentleman disclaimed such sentiments, and that he did not entertain such an opinion of this House as to suppose that its members would be influenced in such a manner. Another opinion certainly had been expressed by the hon. and learned member from Niagara, to which he (Mr. H.) must draw the attention of the House. The hon. and learned member had stated that the Lower Canadians were hostile to the agricultural interests of Upper Canada, and that this hostile influence would be increased by the removal of the Seat of Government. Now what is the fact? After 15 years of unceasing contest on the part of the agriculturists of Upper Canada to obtain a duty on foreign produce, during some years of which the hon. and learned member and his friends were in power, it is only now that they have obtained the concession of their demands from a government composed partly of Lower Canadians, and supported by Lower Canadian members. Such is the real state of the case, and how can the hon. and learned member justify himself for having attributed hostility on the part of Lower Canadians to the agricultural interests of Upper Canada, and for having made remarks calculated to excite jealousy between people whose interests are strictly the same. He (Mr. H.) trusted that the hon. and learned member would retract what he had stated on this subject, and admit that there was no hostility on the part of the Lower Canadians to the interests of Upper Canada. It had been said with reference to a remark of his (Mr. H.) on a previous occasion that the want of means to report the debates in this House was a trifling consideration. He (Mr. H.) could not subscribe to such an opinion. It is of the most essential importance to the public that the debates and proceedings of this House should be known throughout the length and breadth of the land, so that the constituents of hon. members may know whether they support the real interests of the country. How can this be done unless in a large capital where there are daily papers in both languages? Is it not a grievance that a majority of the whole Canadian people - those of French origin - are prevented from knowing one word uttered in this House in their own language. The hon. member for Niagara has stated that the removal of the Seat of Government from Upper Canada would tend to create a feeling in favor of the disruption of the Union. Those who expressed such sentiments were not influenced by any great views of public policy, but by selfish and sectional feelings. Upper Canada has no right to the Seat of Government, more than Lower Canada, and it is offensive to the people of Lower Canada to assert such a right. But he (Mr. H.) repudiated such sentiments on the part of the people of Upper Canada. - The public meetings, got up by agitators, had proved complete failures. Reference had been made to one in his District. But how and by whom had it been got up? By a few half-pay officers residing near Woodstock, who did not express the real opinions of the people of that county. All he (Mr. H.) could say was, that the gentlemen who supported the resolutions at the Woodstock meeting,

were not those who sent him to Parliament. The letters that have been received by himself and others of his friends, not only from the county which he had the honor to represent, but from other parts of the Province, were in favor of the course taken by the administration. The hon. and learned member for Kingston had made a long speech in favor of Kingston, but he (Mr. H.) could not see that he had used a single argument in support of his views. He had expressed great fears as to the result, if the Seat of Government were removed out of Upper Canada. He (Mr. H.) could not understand the meaning of those fears. If the convenience of the people was what was sought, he should like to know whether, if the Seat of Government were fixed at Cornwall or Bytown, which are in Upper Canada, it would be more advantageous to the Upper Canadians! Certainly not. These places would be more out of the way than Montreal. If the Union is to be preserved, there must be an end of these national and sectional views. The Province must be considered as one, without reference to old boundary lines. The hon and learned member for Kingston has incurred deep responsibility for the course which he has taken on this subject, and for having given his influence to those who will endeavor to agitate for the dissolution of the Union. Hon. gentlemen had blamed the administration for making this a Cabinet question. That, however, was a point on which we must be the best judges: having taken the responsibility of acting to the best of our judgment, we are prepared to stand or fall by it. There was a time, however, when it was not a Cabinet question, when there was no reason to suppose it would now be brought under the consideration of this House: and even then the Cabinet were unanimous, with one exception: and had the removal taken place in consequence of the Report of the Council, his hon. friend would not, he thought, have felt it necessary to resign. There was a portion of the remarks of the hon. member for Kingston which he felt a difficulty in following. The hon. gentleman had not indeed exactly defined what he meant; but he had evidently pointed at separation as a possible consequence of the removal of the Seat of Government. He (Mr. H.) had no such apprehensions. He was as ardent a friend to British America as any hon. member in that House, however much he might be slandered. He was gratified, therefore, to have it in his power to state his belief that all the late acts of Sir Robert Peel's Government had a tendency to strengthen the connexion with the Mother Country; and he now looked forward to many, many years of happy connexion with the great Empire of which we formed a part. He (Mr. H.) regretted exceedingly that such an imputation should be cast on Upper Canada, as that the people were prepared "to cast about in their minds eye for a new state of political existence," because they were disappointed about the location of the Seat of Government. His hon. friend from Kingston had likewise said that the bills brought before this House by the Government, were transcripts of the laws of the State of New York. This he denied. Municipal Institutions in every country are essentially democratic; and it would be found that we merely proposed to extend to the people throughout the Province, powers which had been long enjoyed by the Toronto Corporation. It was useless

for him (Mr. H.) to trouble the House further. His hon. and learned friend the Attorney General for Upper Canada had stated clearly the circumstances in which the Provincial Administration had been placed. Bound by their oaths to tender their deliberate advice to their Sovereign when called on, they had performed that duty, and had acted consistently in conformity with that advice throughout, and were now prepared to stand or fall by it.²³

SIR ALLAN MACNAB was in favor of retaining the Seat of Government for Upper Canada. From the situation of that House it was in his opinion, impossible to give a free expression of the feelings of the people of this Province upon the question before the House; and the only way to get a proper expression, and thus meet what he conceived to be the views of her Majesty's government, in the reference to this Province, of the question of the location of the Seat of Government, was by a dissolution of the House, and an appeal to the people.

When he was elected to represent his constituents in that House, there was no authority delegated to him to vote on that measure, and indeed that such a question would arise had not been anticipated. The Seat of Government had been fixed in its present location by Lord Sydenham, and many of those who seem now so clamorous for a removal assisted that Nobleman in that House; but it seems it became convenient for them to change their opinions when they saw that he did not remain quite so popular as he formerly was. Lord Sydenham had removed the Seat of Government from Toronto to Kingston, and they had supported him in it, and now for the sake of retaining their places, and to enable them to carry out their views, they were prepared to remove it to Montreal. It had been said, that the people of this Province were in favor of a removal; if so, those who made the assertion would not hesitate to join in an Address to his Excellency the Governor-General, praying him to dissolve the House. That was the only true way. He believed an hon. friend would yet put the question in that way. But he did not believe that what was stated of the people of Western Canada would prove the case. Nor did he believe that even in that House were the question put in a proper shape, that any member of Upper Canada would vote for the removal. He did not believe the hon. President of the Board of Works would vote for the removal, if it was not a Cabinet question, he did not believe the hon. Solicitor-General West, would vote that way, if not similarly situated, nor would the Surveyor-General. The Inspector-General would find some difficulty in meeting his constituents upon that point: notwithstanding the letters which had been written, and the endeavour made to place it in the light of a purely party question, on which the existence of the administration depended. The people of Upper Canada would understand perfectly well the position of these gentlemen, and he had no doubt the remark of his hon. friend from Huron, in reference to those who deserted the interests of Upper Canada, would prove fully true. The people were not desirous for the removal; on the contrary, those who attempted in defiance of their rights and of

their constitutionally expressed declarations on this point, would yet learn to what extent those rights and that declaration would be maintained. It was perfectly understood at the period of the Union that the Seat of Government should be fixed in Upper Canada, in compliance with the pledge given by Lord Sydenham to that effect, and it was accordingly fixed at Kingston; and that selection had received the approbation of the Imperial Government. What did Lord Stanley say in his despatch on that subject? that Kingston had only been selected after the most mature consideration by her Majesty's Government. The people of Upper Canada knew all that, and would not consent, that what was in their possession by right, as well as in pursuance of the pledges upon which they had consented to an union with Lower Canada should be torn from them by a House in which they felt they were not represented.²⁴

Le DR. TACHE dit qu'à la suite des longs et éloquentes discours qui ont été prononcés dans le cours de la soirée, il n'a pas la présomption de croire qu'il pourra ajouter grand'chose à ce qui a été déjà dit sur le sujet, mais il ne peut se résoudre à donner un vote en silence sur une question aussi importante, pour les intérêts de la province, que celle du siège du gouvernement. D'après le message de Son Excellence, il paraît que nous n'avons pas d'autre alternative qu'à (sic) nous prononcer entre Kingston et Montréal; et pour quiconque connaît l'une ou l'autre de ces villes, il ne peut y avoir aucune difficulté. En vain prétendrait-on que Kingston est, géographiquement parlant, au centre de la province, que cette ville deviendra par la suite populeuse, florissante et entourée de fertiles campagnes, la chose n'est peut-être pas tout-à-fait impossible; mais tout le monde conviendra que la chose n'est pas dans le moment actuel. Nous ne sommes pas ((ici)) pour décider si les intérêts entiers de la province son sacrifiés au bien-être des générations à naître de la ville de Kingston; mais nous sommes ici pour nous prononcer en faveur de la localité qui pourra procurer le plus grand bien, les plus grands avantages au plus grand nombre de nos concitoyens. Telle est la solution de la question, il ne peut y en avoir dans toute la province, pouvait (sic) dispu((ter la place à la)) riche et florissante cité de Montréal; mais on l'as-((sure)) qu'il y aurait une espèce d'hérésie, une quasi-impiété à prononcer seulement le nom de l'ancienne capitale du Bas-Canada. Ainsi, il ne devrait pas dire que Québec possède le plus beau port, la plus belle rade du monde, capable de contenir à l'aise toute la marine militaire de la Grande-Bretagne: ainsi il ne devrait pas dire que Québec n'est qu'à neuf heures de marche de Montréal pendant sept mois de l'année, que le trajet se fait nuitamment, pendant le sommeil et conséquemment sans la perte d'une seule heure de temps. Il ne devrait pas dire non plus que Québec possède de magnifiques édifices, très-propres et tous prêts à recevoir les corps législatifs: mais surtout il ne faut pas qu'il parle d'économie. Que sont une centaine de mille louis dans l'état prospère de nos finances? Pure bagatelle! la chose ne vaut pas la peine d'en parler. Cependant malgré toutes ces raisons, il serait bien fâché de diviser la chambre sur cette question, ou de se

séparer lui-même de ceux avec qui il agit dans le moment. Force lui sera donc de garder le silence sur les justes et légitimes droits de la ville de Québec au siège du gouvernement. Il ne peut cependant (sic) s'empêcher d'ajouter un mot. Qu'il lui soit permis de faire un vœu, un souhait; fasse le ciel que jamais la trompette guerrière et le canon des républiques voisines ne nous donnent occasion de nous repentir amèrement d'avoir abandonné le point formidable, le point invulnérable, le Gibraltar enfin de l'Amérique septentrionale, pour nous placer sans fortifications et pour ainsi dire sans défense dans la plaine. Entre Montréal et Kingston, est-il besoin de le dire la comparaison est ridicule. Montréal est de toutes les villes de la province la plus avantageusement située pour le commerce; Montréal contient près de cinquante mille habitants, et dans un rayon de quinze lieues autour d'elle, vit et prospère le quart, le tiers peut-être de la province entière, depuis Amherstbourg jusqu'à Bonaventure. Montréal possède le plus abondant, le plus beau marché de l'Amérique britannique, alimenté en grande partie par cette population franco-canadienne, objet de tant de sarcasmes et de ridicule. D'un autre côté voyons un instant Kingston, Kingston situé sur le bord du lac, ayant au sud les Etats-Unis pour voisins, au nord, et dans ses environs, des terres en bois debout; une population de 7 à 8 mille habitants! A la vérité Kingston possédera bientôt un magnifique marché, érigé à force d'emprunts, mais dont la vingtième partie ne sera pas employée comme tel pour un demi-siècle à venir, et ne sera alimentée (sic), en grande partie, que par les produits agricoles des républiques voisines! Mais, dit-on, Montréal est une ville française. La représentation du Haut-Canada s'y trouvera aussi défavorablement placée que la représentation du Bas-Canada l'est à Kingston. Qu'on cesse de s'effrayer. Montréal contient plus d'anglais, de vrais et bons "John Bull" (grande hilarité) que Kingston ou Toronto, avec une demi-douzaine de petites villes du Haut-Canada qui ont l'honneur d'envoyer un représentant à cette chambre. Ainsi, messieurs du Haut-Canada, soyez sans crainte, vous serez parfaitement à l'aise à Montréal, parfaitement confortables, tout à-fait at home. Les Canadiens-français y trouveront aussi leur compte, car là est la patrie, là sont des coeurs qui pourront les comprendre et sympathiser avec eux. Un anglais de beaucoup de mérite, un véritable ami du pays, lui disait ces jours derniers: "les Canadiens ne prennent pas une part assez active aux affaires, il faudrait qu'ils prissent une part plus marquante dans les discussions; il faudra de toute nécessité introduire de jeunes Canadiens capables et disposés à le faire." Mais a-t-on bien réfléchi à la position toute particulière des Canadiens dans l'une et l'autre chambre? Ou il faut qu'ils parlent l'anglais, qu'ils n'entendent ((que bien imparfaitement, ou il faut)) qu'ils parlent dans leur langue maternelle. Dans le premier cas, ils s'exposent au ridicule; dans le second, ils prêchent dans le désert, à peu près comme il faut (lui M. Taché) dans le moment actuel, avec l'intime conviction que jamais leur voix ne pénétrera au-delà des murs de cette chambre.

Dernièrement, dans une chambre qui n'est pas à cent lieues de celle-ci, trois messieurs canadiens ayant revendiqué avec énergie des

droits sacrés honteusement foulés aux pieds, sont informés après des débats, par les rapporteurs, qu'on ne pourra donner leurs discours; que l'on a pas l'avantage d'entendre le français. Jusque là il n'y a pas grand mal; mais le lendemain matin les journaux anglais de la ville, soi-disant réformistes, annoncent que trois individus, des hommes de paille, comme on les appelle, ont débité des niaiseries et des fadaïses en français, et qu'ils ont été traités avec le mépris et le dédain qu'ils méritaient! Hommes de mon origine! (dit l'orateur) j'en appelle à vous, n'est-ce pas bien aimable, n'est-ce pas bien encourageant! Et c'est pour une ville qui vous couvre ainsi de sa boue et de ses ordures que l'on voudrait nous engager à voter pour y retenir le siège du gouvernement? Mais un parti qui voudrait tout accaparer, tout retenir dans ses limites s'écrie: "Nous n'avons consenti à l'Union qu'à la condition exprime que nous garderions le siège du gouvernement dans le Haut-Canada." Mais, je réponds, où en est la preuve? Avez-vous quelque document par écrit pour soutenir cette prétention? Non, non, pas un mot: mais lord Sydenham a soufflé à l'oreille de M. celui-ci, de M. celui-là: "N'allez pas faire de folie, soyez bon enfant, votez pour mes résolutions, et vous aurez, je vous le promets, le siège du gouvernement dans le Haut-Canada." En vérité, n'est-ce pas là du ridicule parfait, surtout pour nous canadiens, qui, avec notre coutume de Paris, si souvent traduite à la barre, ne pouvons établir une réclamation au-dessus de cent francs sans un commencement de preuve par écrit? Pour lui il pensait qu'il était suffisant que le Bas-Canada eût comblé de ses revenus, qu'on lui a arrachés, la dette énorme du Haut-Canada; il pensait qu'il était suffisant que le Bas-Canada eût été chargé d'un million et demi d'emprunt qui devait être employé presque exclusivement en améliorations dans le Haut-Canada; et qu'il était suffisant que le Bas-Canada eût retiré le Haut-Canada de l'état d'humiliation où il était placé, par suite de son imprévoyance et de ses extravagances (sic); mais il s'était trompé, ce n'est pas suffisant; il faut encore au Haut-Canada le siège du gouvernement! Qu'il en soit donc ainsi, il le leur accorde; mais sera-t-on satisfait? Ne nous demanderez-vous plus rien? Non, tant et aussi longtemps qu'il restera au Bas-Canada (sic) un haillon, un lambeau qui vaille la peine d'être ramassé, on nous l'arrachera, ou l'on fera des tentatives pour l'arracher; et si nous avons le malheur de nous plaindre, si, le coeur navré de douleur, notre poitrine laisse échapper un soupir, un sourd gémissement, les papiers réformistes de la ville publieront que nous sommes des "needy, greedy ignorant French paupers!" Mais, nonobstant le dévergondage de la presse, nonobstant l'égoïsme d'un certain parti, je suis convaincu qu'il y a encore assez d'honneur, de justice, que dis-je! de sens commun dans cette chambre pour placer le siège du gouvernement où il doit être, c'est-à-dire au centre de la masse de la population, des deux origines, des moeurs et des usages communs. Alors la représentation du pays en se rendant des deux extrémités de la province au siège du gouvernement, s'y trouvera à l'aise, at home. Personne ne sera obligé d'y faire ériger des temples aux dieux domestiques, chacun rencontrera ses pénates.²⁵

MR. MERRITT said this was the second time he had been called upon to take a part in what might be considered little less than a Legislative farce. In 1839 three propositions were submitted by the late Lord Sydenham to the ... Legislature of Upper Canada, and what was the result? dissatisfaction on the part of the Lower Canadians, who were not represented and dissatisfaction on the part of the Upper Canadians, in consequence of the provisions of the Union Bill, not having been framed in conformity to the terms stipulated. These evils, however, would have been remedied in a few years, but by some unaccountable fatality the Imperial Government have again referred to this Legislature the only measure, which, by almost unanimous consent, they were most anxious should be determined by the Crown. If the Government had determined on removing the Seat of Government to Montreal, it would have been far more judicious to have done so at once, without this second reference; for they must have known a large majority of the Legislature were in favor of that project. The inhabitants of Upper Canada will be no better satisfied with the decision of this House as now composed, than the inhabitants were with the assent of the Legislature of U. Canada to the terms of the Union. Although he admitted that injustice was done to Lower Canada in the representation, he denied that any injustice either had arisen or could arise by the assumption of the debt of Upper Canada, which was alluded to by the hon. and learned member from Richelieu. The inhabitants of Lower Canada never had, and never would pay one farthing of that debt, it was a mere delusion, and he (Mr. M.) was satisfied if the true nature of that debt was correctly understood, no person of ordinary understanding would ever treat it as a debt due from one Province to the other, or say that Lower Canada had been injured by the assumption of it by United Canada. In 1841 the public debt of Upper Canada was One million, two hundred and six thousand, eight hundred and thirty three pounds, - there had been expended on public works, a statement of which he held in his hand, One million three hundred thousand pounds, most of which would yield a return from Tolls. It must be admitted that the commercial advantages they confer, was (sic) equally, if not far more beneficial to Lower than to Upper Canada, it was true that we were under a temporary obligation to United Canada, and the Mother Country, for extending their credit, until these works would yield a sufficient revenue to meet the interest on the cost for construction; at the same time ample security was given by the transfer of the works for which the debt was incurred. All the favor asked for the people of Upper Canada was to have a separate account kept of these works, that we might hereafter prove that they not only repaid the cost of construction, but yielded a revenue to the Province. The debt of Upper Canada should not be brought forward as a reason for removing the Seat of Government. That it was a most serious and embarrassing (sic) question we all admit, but it must be met fairly. His first objection to the removal, arose from an apprehension that it might disturb the union. His attention was first directed to this subject as early as 1842, from contrasting the relative prosperity of the adjoining

state of New York, under one Government, with these Provinces under two, since which no opportunity offering to bring it about, has been neglected. It was with that view the annexation of Montreal to Upper Canada was advocated before a Committee of the House of Commons, in 1828, to which he reverted at this moment, as a proof of the soundness of the views then expressed. He would not take up the time of the House by reading extracts from those opinions, they would be found however to contain precisely the same ideas as those now advanced by the Executive Council - the one pointing out what was anticipated, the other what had been realized. At the same time he (Mr. M.) addressed a letter to Sir George Murray, a copy of which he now held in his hand, the following extract from which, would explain the object in view, - "If we are to become one people, a union of those Provinces under one Government must sooner or later take place, to prove that the annexation of Montreal to Upper Canada will hasten this desirable end, is the object of this communication. At present a majority of the inhabitants in both Upper and Lower Canada are adverse to a union, the former from fear of being controlled by the French - the latter from fear of being controlled by the English - if the measure was to be immediately effected, it would create discontent, become a party question, and large majorities be returned against the Government. The Lower Canadians will always combine together, the Upper Canadians will always divide, consequently the improvement of the country would be retarded, and great confusion ensue. On the other hand, by the annexation of a Sea Port to Upper Canada, the St. Lawrence will be immediately improved, the value of property increased, commerce extended, population doubled, and from the wealth and prosperity created, both parties would soon realize the wisdom of the measure, and not only become reconciled but solicit a re-union." - Three of the most distinguished members of that house, including the hon. the Speaker, were then in London, and although the measure was warmly opposed in Lower Canada, it was designed to accelerate the very object which has since been affected by other causes. With the same end in view, at every public meeting the Union formed one of the most prominent resolutions - and became the general topic of conversation on most occasions in Upper Canada - therefore, although the obstacles to the Union have been magnified, by interested parties, the public mind was prepared for it previous to the arrival of the late Lord Sydenham - and it was gladly received when the first opportunity offered afterwards. The first fruit of that Union was securing a free passage to the ocean. For this most important measure, he hoped we should never forget that we were indebted to the firmness of our Lower Canadian friends, although opposed by the government who brought about the only opportunity ever offered to attain it. Up to the present moment the Union had been daily gaining ground: the inhabitants of Upper Canada are in favor of it, almost to a man, as well as no inconsiderable portion of Lower Canada. This change had been brought about with the Seat of Government in Upper Canada. Why then try any further experiment? Did they hope by removing it to gain strength here, or had they any assurance that it would change

the minds of its opponents? Then, if not, what are our prospects? He confessed, after the length of time, his mind had been placed on this measure: now that it was in operation and likely to realize their most sanguine expectations, he looked upon this movement, which may disturb it, with great distrust. He objected to its removal on another ground: it would disturb the harmony which so happily prevailed at this moment. The interests of one portion of the province would be placed in opposition to the other: the imaginary injuries of each would be magnified, and their respective claims urged with all the feeling which existed between two separate countries. He would now take up the document prepared by the Executive Council of the 16th March, which, he took for granted, contained all the reasons which could be advanced in favor of the removal. Passing over all sectional claims, which could have no other tendency than diverting their mind from the main question, he came to the reasons assigned in favor of Montreal: the first of which was, that it was originally selected by the French government as the site of a great city: 2d, that it was the commercial capital of Canada: 3d, that it would become the mart of the commerce of the Western States: 4th, a depot for transshipment: 5th, the centre of the wealth and commerce of United Canada. He would cheerfully concede all the commercial advantages claimed; but so far from their forming any sound reason for the removal of the Seat of Government, quite the reverse was the case. The great commercial mart for the United States was New-York, but as the hon. and learned member for Niagara had shown, its commercial position had never been urged in favor of the capital being removed there from Washington, nor even for removing it from Albany, for the capital of that single State Government. To what cause, let me ask, was its prosperity and prospects to be ascribed? first, to its natural position as the first sea-port for the great valley of the St. Lawrence, and secondly, to the enterprise and ability of a private company, to whom we are indebted for opening this communication to the western world; and what return has been made for the cheering prospects there opened? Not a farthing had they received, even up to the present moment. 6th, conclusive evidence was claimed, in consequence of Montreal having been claimed as a Sea Port by both Provinces. Who could have imagined that arguments addressed fifteen years ago for attaching this City to Upper Canada, for the purpose of a Sea Port, should at this day be urged in favor of a Seat of Government. It was sound reasoning in favor of the one, but wholly inapplicable for the other: 7th, that it was the place where Lower Canadians can most effectually investigate, and control the internal management of communications, of which they share the expense, and in the advantages of which they expected to share. It was true the Lower Canadians would share the advantages those works must confer; but if the Toll pay the interest in the cost of construction, not one farthing of the expense would ultimately be borne by the people of Lower Canada. Take for instance a farmer residing below Montreal, he was subject to no Toll on any article of merchandise he consumed, as neither passed through those communications.

Whereas the farmer residing above Kingston, had to pay a Toll on every thing he grows and consumes, as both necessarily pass through those communications: this he did not urge as a complaint, it arose merely from their natural positions, the one residing above and the other below the Canal, which leads to this common market at their common port: it was, nevertheless our undeniable fact, and proved that greater burdens are necessarily borne by the Inhabitants residing in Upper than in Lower Canada, and was a good reason, for conferring any legislative advantage in their power on the one to lessen those burdens - and not to add to the natural advantages already possessed by the other: the 8th and last reason was that it is the place where the true bent of public opinion can be best ascertained. The whole force of the argument of the learned Attorney-General and member from Richelieu, was the only reason attempted. - London, Paris, and all other European cities which may happen not to be central, were brought forward in support of Montreal. It was really amusing to hear this paltry Province, with a population of 1,250,000 compared to independant governments, with from 20 to 40,000,000, keeping up armies, navies, and embassies, and a continued intercourse with the whole world when all the duties of our legislation and government were confined within the limits of this Province, we should, as the hon. and learned member from Niagara had stated, confine our comparision (sic) to the neighbouring States of America, where in most instances, the centre or interior was selected, and for this sound reason, their legislation was confined as is the case in this country, within their respective limits, and the duties of their State Governments are also similar. They never heard New York advocated for the Seat of Government for the United States - or even for the single State of New York within which it was situated - notwithstanding it was acknowledged to be the greatest monied and commercial mart in America. He (Mr. M.) did not believe that they ought to look to cities for public opinion or that cities influence correct opinions for the general interest of the country government. In support of this opinion he would offer one striking proof: when the Erie Canal was commenced, New York contained near 200,000 inhabitants; was the public opinion then entertained in that city in favor of undertaking the canal? by no means; with all their wealth, and with all their intelligence, every member opposed it, on the ground that it would never pay, and as they were the most wealthy portion of the state, they would have to sustain the greater portion of the tax. The Western members, feeling the want of that communication and being more interested, by a small majority carried the measure through the Legislature, and what has been the result? The work was finished and paid for its construction within ten years, and enriched New York. Where did correct public opinion originate in this case? from the Town or country. Public opinion was acquired by each member through the year in his own particular District, which he brought with him to the Capital - he never remained there long enough to acquire it - and it would be found, that the object of our combined Legislation, after all was merely to educate the people and inform the country, and as the

want of those measures are more sensibly felt in the country than the city, useful and correct opinions are far more likely to be acquired in the former. Another proof might be adduced from Montreal itself. Have they evinced more enterprise and exertion with all their ample resources and superior intelligence than Upper Canada, although we acknowledge we are limited in both. After a careful examination of the document referred to, he could discover no sound reason for removing the Seat of Government; but on the contrary, all the natural and commercial advantages they claimed, and which we concede, was the most convincing reason why the interior should be entitled to all the advantages we can confer by this measure. But a few years will pass over before the largest portion of the population of Canada would be found West of the Niagara River and Toronto, therefore, for the general interest of those who are to succeed us, the Site should be selected as far in the interior as practicable. Other grounds could be urged with greater effect, but as they had been alluded to by other members, he had confined his remarks to precedents, within his own knowledge practical transactions and the relative position of the inhabitants of Upper and Lower Canada, and he felt confident, if the question was referred to an impartial and disinterested tribunal - for the general interest of the inhabitants of the entire Province - the Seat of Government would not be removed from Upper Canada.²⁶

MR. DUNN thought that the whole of the speeches which had been made against the removal of the Seat of Government to the City of Montreal, were founded upon sectional and selfish feelings, and not upon any extended view of public policy. Montreal was a city containing the largest population of any in Canada; and there was one circumstance which gave it a strong claim as the Seat of the Provincial Legislature of United Canada - the fact of that population being composed one half of British origin and one half of French origin; and thus enabling the Government to meet on terms of equal justice to both races. Now Montreal appeared to be the best position for the Seat of Government, because it is the place where the navigation of the rivers Ottawa and St. Lawrence meet that of the Ocean - making it the great emporium of our inland and European trade. For these and other reasons he would give his vote in favor of Montreal.²⁷

MR. ((HENRY)) SHERWOOD could not but express his warm approbation of the cool and impartial manner in which the original motion was introduced, and of the general character of the debate which had taken place. He was glad that nothing had fallen from the lips of any hon. member who had preceded him calculated to arouse improper feelings, but that the question had been argued on its merits, and upon those alone. It had been urged on the one hand, and emphatically denied on the other, that a pledge was given by Lord Sydenham that the Seat of Government should, in the event of the Union of the two Provinces, be retained in Upper Canada. He (Mr. S.) was a member of the Legislature when those

resolutions were passed which contained the assent of the Parliament of Upper Canada to the Union, and he could speak with more certainty on that point than many of those whom he saw around him. He was one of those who were opposed to the Union, except it could be effected on certain conditions which he deemed necessary to protect the rights and interests of the people of Upper Canada; but Lord Sydenham represented to the individual members of the Legislature the difficulty which would attend the measure if it was shackled by conditions - the measure itself being already distasteful to the people of Lower Canada - and gave direct assurances, publicly and privately, that the wishes of the people of Upper Canada with respect to the questions contained in the proffered conditions would be carried out: he persuaded them on that consideration to admit the abstract principle of an Union, and to leave to the justice and impartiality of the Imperial authorities the carrying out the details of the measure. It was certainly not a written condition, but the pledge of the Representative of the Crown, armed with authority to negotiate for an Union; and he (Mr S.) would state distinctly in his place to the House, that upon that pledge alone the representatives of the people of Upper Canada had consented to the union with Lower Canada. It was no use to tell him that they did not care what Lord Sydenham had said: he was the Representative of the Imperial Government: and transactions between a people and a government should be in good faith, and above all suspicion; for the contrary would destroy all confidence in government. He maintained, then, there was a pledge, and he would go farther and say that that pledge was carried out, and the Seat of Government established in Upper Canada. It was not until March 1843, it seems, that it was contemplated to make the "Queen of cities" the Seat of Government. Had anything been said about such a change until the hon. Attorney-General East found himself in possession of the government? That was the first time he had heard of it. The previous vote on the subject of the location of the Seat of Government amounted to nothing until the hon. Attorney-General had remodelled the government; and then a removal was at once insisted on, and the government had now come down to the House with the measure as a Cabinet question, compelling a party vote. And what were the advantages of this "Queen of cities," to which it is desired to remove the legislature of the country? Why it was a great commercial emporium, in which was to be seen plenty of bales and barrels. And what had that to do with the location of the Seat of Government? The business of government could as well be carried on in other places as in that city; and he saw no reason advanced why it should be taken away from where it was, after being here for upwards of two years, especially that it should go eastward, to Montreal. No reason had been advanced for such a change, but they were told the question involved the existence of the ministry. That was an honest statement of the case. It was therefore not a matter of convenience, or of general utility; the necessity was assumed on no ground of public benefit, but on the ground of political existence. It has been made a political question. Instead of carrying out the obvious intention of

the Home government, in striving to obtain an unbiassed expression of the feelings and opinions of the people, the hon. gentleman who introduced the resolutions now before the house, has made this question of a party character. He (Mr S.) did not believe it was ever contemplated by the imperial government that it should have come down to the House in that shape, else it was a most absurd proposition, where all the weight of government was brought to carry it. The proper mode would have been to bring down the message, and leave it to be disposed of by an unfettered vote. But when the question was put to them in this shape, whether they would support or oppose the administration, whether they preferred "French or Tory administration," - when such a bugbear had been raised to shake the spirit of opposition of those friendly to the administration generally, how could such a vote be expected? That course had been effectual with some owing to the temporary excitement. Those hon. gentlemen seem not at all deterred by the injustice, or the consequences of such a proceeding. The hon. gentleman who introduced the amendment, when he contemplated as the probable result of such injustice the dissolution of the union, had not indulged in anticipations in any respect ill-founded. Would the people of Upper Canada remain quiescent when deprived of that which was guaranteed to them, which they have felt it their duty to retain for the benefit of the United Province? He did not believe it. And the moment you put the contemplated measure of removal into effect, you raise the cry for a repeal of the Union. (Hear, hear.) And it was his belief that in Lower Canada it would be the same; and he believed, no matter how it was settled, that Province which has it not will ask for a Repeal of the Union. If decided adverse to Lower Canada, had they not sufficient indication already that that section of the Province would speak in terms not to be misunderstood? Then as this was the case, and as Upper Canada now possessed the Seat of Government, why allow to be taken away from us that which we have? When the Seat of Government was now here why not keep it? That would not answer; they must take it to Lower Canada and make serfs of the Upper Canadian people. Let members from Upper Canada keep possession of what they now have; if they did not they would be pointed out hereafter as those who sold Upper Canada - (hear, hear, hear) - their vote would stare them in the face at the hustings. (Hear.) He would record his vote for the amendment, and perhaps in so doing he would meet the views of his constituents. He acknowledged that there had been an adverse expression on the part of a few of his constituents, but it was only of those who had for the moment been led away by the feelings appealed to so unwarrantably by the hon. and learned Attorney General. Those who did not like the ministry overmuch in their sober and cool moments, had not supported that movement, nor would they do so. His hon. colleague, he had no doubt, thought he was representing his constituents in supporting the removal to Montreal, but he would show him such was not the case. (Hear.) Those who now proved false to the interests of Upper Canada might consider that the influence of party would sustain them in their position, but their appearance at the

hustings would prove the feeling in regard to them. He hesitated not as to the course to pursue on this occasion; he would record his vote in accordance with the opinions to which he had given expression, and by it stand or fall. (Hear.) The information of which the House ought to be in possession on the important subject had been kept away from them. When he read the first despatch on this subject and compared it with the message which had been sent to the House, he felt satisfied there were others of the same kind, and further that in those which had been withheld there is something why the Seat of Government should not be removed to Lower Canada. These had been kept back, and the message sent down as a mere subterfuge. (Hear.) Every document affecting public measures should be laid fully before them. He was led to believe from the conduct of the government in the present instance that they pursued a system of keeping back that information which the House should always have. He would now advert to the course which may be pursued in carrying out the resolution of the hon. Attorney General, and it was of some importance in the present circumstances of the country that the details should receive some attention. Let hon. gentlemen recollect that the next thing they would be called upon to do was to vote £200,000 for the erection of buildings suitable for the Queen of cities to which they would be removed. (Oh, oh.) Well, he was satisfied they would not be content with much short of that; but take £150,000 or £100,000. He would like to know where they were to get the money. (Hear, hear.) He looked upon that man who pledged himself to pay that which he had not means to meet, as a dishonest man, and he did not know that the principle failed when applied to a state. They had been told that the revenue did not yield sufficient to meet the ordinary expenditure. If that was the case, how were they to provide so large a sum for the erection of public buildings? In the present state of affairs, when the union was not yet settled, - and many of the prejudices originally entertained against that measure still existed - it would be the extreme of folly to adopt the resolution proposed; if the Seat of Government was taken out of this section of the Province why not take it to Quebec, when they already possessed suitable buildings; but he trusted they would not be guilty of the absurdity of pledging themselves to the proposed expenditure for new buildings in Montreal before they knew and when it was impossible to tell whether they would be wanted or not. He agreed with the hon. and learned member for Niagara that the rapidly increasing population of the West, its extent, the facilities for settlement, and the continued emigration from the mother country would very shortly alter the relative positions of the two sections of the Province in point of population; and none can but admit that in ten years the mass of the population would be to the West of the place where they were now assembled. (Hear, hear.) They were to be removed further from the West for the mere support of government - he used the very words of the hon. Attorney-Gen. - and he could look upon that reason as the only argument for urging on the measure, and in that light, sustaining the administration at the sacrifice of the general interests of the country.²⁸

MR. AYLWIN said that the subject before them was one which properly belonged to the Royal prerogative, but from regard for Her subjects in this part of her Empire she was graciously pleased to waive the decision of it until this House had expressed its opinion upon the subject. The question now to be considered was whether Kingston or Montreal was the most suitable place for the Seat of Government, and to these two places the discussion should be limited. It was much to be regretted that it had been sent here at all, for self-interest, and sectional feelings were likely to prevent them from taking that calm and unprejudiced view of the question which its importance demanded. The hon. gentleman who had just addressed the House, had done so with all the acrimony of party spirit, but it was pleasing to see that he was almost the only man who had done so; and he congratulated the House upon the calmness and moderation with which the question had been, for so far, discussed. The hon. member had resuscitated the old sting about a pledge being given, when the Union of the two Provinces was established, as one of its conditions. He (Mr. A.) would ask when, and where, and to whom that pledge had been given? The Legislature of Upper Canada may have been desirous of getting such a pledge; but it was well known that such a pledge never was given or recognized. - During the first Session of the United Parliament, the House had discussed the propriety of having alternate Parliaments at Quebec and Toronto, and nothing was then said of this pledge; yet the hon. member for the City of Toronto, who had advocated that view, and said nothing of such a pledge, now came forward and affirmed that it had been given. He hoped, however, that they would hear no more of it. The hon. member for Toronto pronounced it a breach of faith to remove the Seat of Government to Montreal, and that the character of the Home Government would suffer, in the eyes of the Colonists, in consequence of it. The hon. member forgot that by such expressions, he was impeaching Her Majesty herself, who had called upon Her Canadian people to give their opinion upon the subject. But suppose this pledge had been given in the way that hon. gentlemen assume, he should like to know how any pledge so given could have been binding upon the Legislature of United Canada. When it was considered that more than one half of the people had no voice in the matter, their Constitution having been suspended, and their concurrence never asked. He would now come to another point. The hon. member from Toronto seemed to be suspicious that there was important information in possession of the Government which had not been brought forward; that the dispatches sent to the Head of the Government should have been produced; and that for want of this information he is incapable of producing an opinion upon the question. Now, he (Mr. A.) did not think that the hon. member would suppose the Head of the Government guilty of suppressing any information necessary for determining the question. It was an imputation upon the Head of the Government, which he did not think the hon. gentleman intended to cast. Whatever the opinion of that hon. gentleman might be as to the extent of information that should have been given, he (Mr. A.) thought there was enough in the message, and in the minute of the Executive Council, to enable the House to decide

the question; and quite as much as was required. He now came to another topic - They had been told both by the hon. member for Kingston and by the hon. member for Toronto, that this should not have been made a Cabinet question. The arguments of the hon. member for Kingston appeared to be contradictory, and he would take up his own statements and shew that it should have been made a Cabinet question. The hon. member had stated his apprehension of the direful consequences that would flow from the decision of this question; in case the House declared against Kingston, that it would lead, at no remote period, to the repeal of the Union, and that it would weaken the connexion between this and the Mother Country; now if it were a question of such mighty magnitude as this, he would ask whether the Governor could look upon it in any other light than as a Cabinet question? Were these the circumstances under which it should not have been made a Government question? They had now to determine whether Kingston or Montreal was the proper place for the Seat of Government. Upon this the House had to declare its opinion; and the position in which the question now stood is in no way attributable to the Provincial Administration. It was the necessary result of the proceedings of this House. In the first Session of the United Parliament, the question was brought forward, and an address concurred in, recommending alternate Parliaments to be held at Quebec and Toronto. This address was forwarded to the Imperial Government, and the plan disapproved of. The question was again brought before the House last session, and an address presented to His Excellency, expressing the opinion of the House that Kingston was not a proper place for the Seat of Government: and the desire that it should be settled by the Royal prerogative. This address was submitted to Her Majesty: and the question was referred back again to the Provincial Government, and their opinion solicited. That opinion was given and Montreal recommended as the place best calculated to do justice to all. This House had already declared that Kingston was an unfit place for the Seat of Government; and now when the choice lies between Kingston and Montreal, he did not see that there would be any difficulty in their coming to a conclusion; for no one could live here ten days without feeling that it was unfit for being the Seat of Government. The hon. member for Toronto had harped upon the subject of the expense of erecting the Government buildings; at first the estimated expense was £200,000, but this dwindled down to £100,000. He (Mr. A.) did not think it would amount to anything like such a sum. Another argument advanced was that, as the Union of the Provinces was an experiment, the fixing of the Seat of Government should be delayed to see how it would work. This was specious but it was impossible to act upon it. This very year they were called upon to rent a place from the Archdeacon to transact the necessary public business. He desired the hon. member to look at the whole of the Government buildings, and he (Mr. A.) would ask if it were possible to carry on the Government with such accommodations? He would like the hon. gentleman to go down and transact business in the Executive Council, where they were under the necessity of raising the windows in the dead of winter to allow the smoke to escape. Again, the residence of the Governor General was such that no one could say it was a fit place for

the habitation of the Representative of Her Majesty. It was disgraceful to the British name to have the Head of the Government occupying such a place. The hon. member for Toronto, in debating this question, was determined to see nothing but competition between Upper and Lower Canada. - Where, he would ask, did it exist unless in his own imaginations (sic)? Was it existing when he decided in favor of alternate Parliaments at Quebec and Toronto? When he appealed to the press of the Province - and he would not complain of its being too mild or well conducted, with the exception of two or three party journals in Upper Canada - the question was treated fairly. It was not exciting any of that angry feeling which the hon. member had displayed; and he did not see why it should exist in this House. (Here a considerable portion of the speech was lost from the noise in the gallery and in the House, preventing it from being distinctly heard.) When the speaker was heard, he was saying that he remembered the statement made by the hon. member for Lennox and Addington, that if anything would instance (sic) him to accept of office, it would be because it would give him the means of purchasing a library for the use of his friends; that nothing could be a clearer argument in favor of Montreal than the fact of its being already possessed of a good library - that if the Government were to remain at Kingston for 50 years it would not improve - that it had no trade - no ready intercourse with the Mother Country; and must remain little more than the little village that it now was. - But he would have them to recollect the position of Montreal. Sir R. Jackson had selected it as his head quarters, among other reasons, on account of advantages in a military point of view, which might serve them as a hint that for Legislative purposes it should be the head quarters. The hon. gentleman concluded by saying that he trusted the question would be now decided, and that no serious difference of opinion would exist with respect to the superior eligibility of Montreal to Kingston as the place for the permanent Seat of Government.²⁹

MR. JOHNSTON said the question before the House was likely to be attended with more difficulty than any which they had yet entered upon; they had been threatened with very serious consequences if they refused to remove the seat of Government to Lower Canada, but they should be prepared for any and all the consequences which might result from a firm maintenance of right. They had nothing to fear if Upper Canadian members would prove true to the interests of their constituents; and if not, he would like to be with some of them when they went back to meet their constituents. He was in favor of Bytown, and urged the claims of that place upon the attention of the House, and was sorry that they had been confined to the choice of Montreal or Kingston. As that was the case, however, he should record his vote in favor of Kingston; and he called upon the hon. member for Bytown, with the opinions of whose constituents he (Mr. J.) was well acquainted, to come forward and advocate the claims of Upper Canada; if he did not he could assure him he would never be again returned for the city of Bytown.³⁰

MR. ROBLIN said, he opposed this question with a degree of diffidence, knowing as he did, that it was one, upon the issue of which depended the future welfare and prosperity of his native country, and he regretted exceedingly that her Majesty's Government had been induced to throw this apple of distrust among us at this time. It was one of those questions which above all others should never have been left to us to decide. He freely acknowledged that he could not give an impartial vote on the question, being an Upper Canadian, he had pre-possessions and prejudices in favor of his own section of the Province. In fact this House was of all the tribunals the most unfit to decide a question like this - a House composed of 84 members, 42 from Lower Canada and 42 from Upper Canada. Suppose that members from each Section of the Province were true to their colours, (which he was sorry to say he believed would not be the case, as some gentlemen from Upper Canada were likely to vote for Montreal). How would the matter stand? there would be an equal number of votes on each side, and after spending much time and labor in debating this question, we could come to no satisfactory decision. Her Majesty's Government was the proper tribunal to decide it, and to her it of right belonged, she who felt an equal interest in the welfare of all her faithful subjects in both sections of the Province, and who could have no interest in any thing but the general welfare of all; and should her Majesty's Government decide the question, to that decision it would be the bounden duty of all implicitly to bow, and he would tell that House, that if her Majesty had decided in favor of Montreal, he would use what little influence he might possess to persuade the people quietly to submit, and he had no doubt they would do so in Upper Canada; however much they might feel the loss, and though they would quietly submit to her Majesty's decision, they could not feel willing to have it wrested from them by a vote of this House, and he very much feared such a measure would endanger the Union of the Provinces, and although he (Mr. R.) was not an advocate for that measure, but since it had been consummated, he should endeavour to perpetuate it, and if the Union was now dissolved, he feared that with it we should loose (sic) that great constitutional principle for which the hon. Attorney-General had so long and successfully contended. The weight and influence of united Canada is felt in England, and if we continue to work her unanimously that influence must increase. It must be in the recollection of honorable gentlemen, that even Lord John Russell with all his liberality cautioned Lord Sydenham to beware of "that responsible Government principle which was gaining ground in Canada." And no doubt Sir Robert Peel and Lord Stanley are not more favorable to that principle than the former Nobleman, and seeing as they do, that we are likely to succeed and prosper under a responsible Government, they have thrown this question among us, at a time when we were just beginning to breathe, and it is made a Cabinet question and must necessarily divide the friends of the Government. It would therefore be far better to refer it back and let it be decided by an impartial tribunal, and one which he had no doubt would decide according to the relative claims of all parties. But he (Mr. R.) believed it to be quite useless to insist

on having it referred to her Majesty, as he was persuaded after what he had already heard during this debate that no such proposition would be acceded to by the House. That being the case, he would however reluctant he might feel, be obliged to argue the question upon its own merits, and in doing so he would endeavour to avoid every thing which might be painful or offensive to any honorable member of the House. In several of the arguments which he had intended to bring forward, he had been anticipated by his hon. friend from North Lincoln, to whose arguments on this as on all other occasions he listened with a great deal of pleasure and satisfaction. In arguing this question, it was necessary to go back to the early settlement of Upper Canada, which took place shortly after the close of the Revolutionary war, and to the credit of Lower Canada be it said, she retained her loyalty and attachment to the Mother Country during that sanguinary (sic) struggle. But those subjects of the British who were obliged to leave their homes and all they possessed on account of their loyalty and attachment to their rightful Sovereign, were sent on ship-board from New York to Quebec, and arriving there, no place was found for them, they had to make their way up the St. Lawrence to the wilds of Upper Canada, and after having settled there and suffered all the hardships and privations incident to the settlement of a new country, it was found as the population increased that it was necessary for the peace and safety of society that laws should be established and justice administered; but to accomplish this certain expenses must be incurred, and where were the means to be obtained? It is true, they even then consumed British manufactures, upon which a revenue was raised, but that revenue was in the hands of their more favored fellow-subjects below and could not be obtained by them. They therefore submitted to direct taxation, for the support of the administration of justice in the several districts, and have borne it from that period to the present without murmuring, while our fellow-subjects in Lower Canada have never paid one farthing of direct tax from the first settlement of the Province to the present time, he meant nothing offensive to the people of Lower Canada; but it was a well known fact that Upper Canada never got a fair proportion of the revenues collected at Quebec. But all the money which had been obtained in Upper Canada, from Imports or any other source, had been laid out in improvements, in the benefits of which he (Mr. R.) was prepared to show Lower Canada had largely participated. It is true that Lower Canada has to assume with us the debt which we owe, and this is a just thing, when she received a benefit from all our trade both Exports and Imports, every bushel of wheat, every barrel of flour or pork, as well as all the lumber, deals and staves, which we export, Lower Canada derives a benefit from all the British goods we consume, they have the profit of transporting through their waters, while we are obliged to tug them up the St. Lawrence. In addition to these she has natural advantages which Upper Canada never can have, being nearer the British market than we are. The expense of getting a bushel of wheat from Lake Ontario to Montreal, is about 1s. 3d. and a barrel of pork, from 5s. to 7s. 6d., so that the farmer in Lower Canada can get at all times a quarter of a dollar more for his wheat and a dollar

and a-half more per barrel for his pork, than the Upper Canada farmer can. The soil and climate of Lower Canada is equally good with that of Upper Canada, and being nearer the market, they certainly possess natural advantages, which we in Upper Canada can never expect to attain to. It is said that Montreal is a place of wealth and capital, a great commercial city, he would not deny that; but from whom does she derive her wealth? It is very certain that no merchant can ever become rich buying goods, it is from the selling which he derives the profit, and to whom do the Montreal merchants sell their goods? but to Upper Canada merchants. - Indeed, it is Upper Canada that has made Montreal what she is. Take away that trade and what would she be. Seeing, then that Lower Canada possesses all these advantages, is it a great thing for us Upper Canadians to require the Seat of Government? He would put it to the magnanimity and generosity of the Lower Canadian gentlemen themselves to say, if under all these circumstances they are prepared to commit such an act of spoliation upon Upper Canada. With regard to the town of Kingston - he was not arguing in favor of any particular locality, but must say, that Kingston would have just cause of complaint if the seat of Government is removed. The inhabitants never asked for it, but when brought here they had a right to expect that it was done for some good purpose, and that it would not be removed without good and sufficient reasons being given for it, which he (Mr. R.) was ((not)) satisfied had been done. Complaints have been made, that members of the Government and of the Legislature could not be comfortably accommodated with lodgings; but the cause of that complaint had long since ceased to exist, and now, after heavy expenses have been incurred by individuals - expenses which will be ruinous to many, we are called upon to vote for the removal to Montreal. He hoped hon. gentlemen would pause before they gave their votes, and he would particularly call on those members for Upper Canada to consider well the vote they were about to give - a vote which he (Mr. R.) feared would be fatal to the best interests of his native country.³¹

((MR. CARTWRIGHT moved that the debate be adjourned.))³²

(88)

Ordered, That the Debate be adjourned till tomorrow.

Orders post-
poned.

Ordered, That the remaining Orders of the Day be postponed until to-morrow.

Then on motion of the Honourable Mr. Attorney General Baldwin,
seconded by the Honourable Mr. Daly,
The House adjourned till to-morrow at 10 o'clock, A.M.

FOOTNOTES - 2 NOVEMBER 1843.

1. BRITISH COLONIST, 7 November 1843.
2. IBID.
3. IBID.
4. IBID., which noted that "Sir Richard Armstrong was also accommodated with a seat in the house, while behind the bar, the curious and anxious spectators appeared to be piled upon one another."
5. The debate on this matter was reported in: ST. CATHARINES JOURNAL 23 November 1843, in an account often identical to that in the BRITISH COLONIST, 7 November 1843; LA MINERVE, 6, 9, November 1843, which was copied by LE CANADIEN, 20 November 1843; KINGSTON CHRONICLE, 8, 11 November 1843; LE CANADIEN, 8 November 1843; and BATHURST COURIER, 7 November 1843. Commentaries are found in LA MINERVE, 6 November 1843, and L'AUREOLE, 7 November 1843.
6. KINGSTON CHRONICLE, 8 November 1843.
7. IBID.
8. IBID.
9. ST. CATHARINES JOURNAL, 23 November 1843.
10. IBID.
11. BRITISH COLONIST, 7 November 1843.
12. KINGSTON CHRONICLE, 8 November 1843.
13. IBID.
14. IBID.
15. IBID.
16. IBID., 11 November 1843.
17. According to KINGSTON CHRONICLE, 11 November 1843, and BRITISH COLONIST, 7 November 1843, Dunlop seconded the motion, not Boulton as stated in the JOURNALS.
18. KINGSTON CHRONICLE, 11 November 1843.
19. IBID.
20. BRITISH COLONIST, 7 November 1843.
21. KINGSTON CHRONICLE, 11 November 1843.
22. IBID.
23. IBID.
24. IBID.
25. LE CANADIEN, 20 November 1843.
26. KINGSTON CHRONICLE, 11 November 1843.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.

FRIDAY, 3 NOVEMBER 1843.

10 O'clock, A.M.

(88)

2 Petitions brought up.

The following Petitions were severally brought up and laid on the Table:--

By Mr. McLean--The Petition of Hugh Urquhart and others, Inhabitants of the Town of Cornwall, and its vicinity.

By Mr. Thompson--The Petition of Thomas Webb and others, Members of the Baptist Congregation at Walpole, in the District of Niagara.

Petitions referred.
Simon Valois, and others.

Resolved, That the Petition of Simon Valois and others, Inhabitants of Côte St. Michel, Côte de la Visitation, and of the St. Mary's Current, in the Parish of Montreal, presented to the House on the twenty-third of October last, be referred to a Special Committee of five Members to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers and records.

Ordered, That Mr. Leslie, Mr. De Witt, Mr. Jobin, Mr. Quesnel, and the Honourable Mr. Neilson, do compose the said Committee.

Peter Morgan, and others.

Ordered, That the Petition of Peter Morgan and others, Inhabitants of Côte des Neiges, Côte St. Catherine, Côte St. Luc, and Côte St. Antoine in the Parish of Montreal, presented to the House on the twenty-third day of October last, be referred to the said Committee.

John Montgomery, Sen'r, and others.

Resolved, That the Petition of John Montgomery, Senior, and others, Inhabitants of the Township of Roxborough, in the County of Stormont, presented to the House on the twenty-fifth of October last, be referred to a Select Committee, composed of Mr. McLean, Mr. Prince, Mr. Chesley, Mr. J. S. McDonald, and the Honourable Mr. Sherwood, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers and records.

Morgan's Na-
turalisation Bill.

Ordered, That Mr. Morris have leave to bring in a Bill to naturalize Cyprian Morgan, and others.

He accordingly presented the said Bill to the House and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of Mr. Thompson, seconded by Mr. Holmes,

Rivers obstruction Bill.

Ordered, That the Order of the Day for the House in Committee on the Bill to prevent

obstructions in Rivers and Rivulets in Upper Canada, and on the

(89)

Report of the Special Committee to which was referred the said Bill, be postponed until Wednesday next.

Toll exemption.

Ordered, That the Honourable Mr. Neilson have leave to bring in a Bill, to exempt Vehicles conveying manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

On motion of Mr. Christie, seconded by Mr. De Witt,

Fisheries, Gulf of St. Lawrence.

Ordered, That the Bill to incorporate certain persons therein named with others, providing Funds towards carrying on the British Fisheries in the Gulf of St. Lawrence, and District of Gaspé, and mining in the said District, under the style of the Gaspé Fishery, Commercial, and Mining Company, be referred to a Committee of the whole House, on Wednesday next.

Collection of Revenue, Upper Canada.

Ordered, That two hundred Copies of the Report of the Commissioner for investigating the mode now adopted in the Collection of the Revenue in the late Province of Upper Canada, with the Appendix thereto, laid before the House on the twenty-seventh of October last, be printed in the English and French languages, for the use of the Members of this House.

Bills from Legislative Council.

A Message from the Legislative Council, by Charles De Lery, Esquire, Master in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:--

Agricultural Imports.

"An Act to impose Duties on Agricultural Produce and Live Stock, imported into this Province."

Protestant Orphan Asylum, Montreal.

"An Act to Incorporate the Ladies of the Protestant Orphan Asylum of the City of Montreal."

Lying-in-Hospital, Montreal.

"An Act to Incorporate the Ladies of the Committee of Management of the Montreal Lying-in Hospital."

Bank of Montreal.

"An Act to amend the Act Incorporating the Bank of Montreal, by providing for the extension of the time limited for the paying up of the new stock of the said Bank."

And then he withdrew.

Seat of Government.

The Order of the Day being read for resuming the adjourned debate upon the amendment which was, yesterday, proposed to be made to the motion, "That it is the opinion of this House, that it is expedient that the Seat of Her Majesty's Provincial Government for this Province should be at the City of Montreal," and which said amendment was to leave out all the words from the word "That" in the said motion, in order to substitute the following:--"This House, representing so many and such various local and conflicting interests, is persuaded that any decision which it may come to upon the question of establishing the Seat of Government in this Province, will be unsatisfactory to the great sections thereof, whose interests may be felt to be compromised thereby, and that in the opinion of this House, the whole Province will more cheerfully acquiesce in the signification of Her Majesty's pleasure on the subject, unfettered by any opinion of the Legislature."

And the said amendment being read, the House resumed the said adjourned debate.¹

MR. CARTWRIGHT said that he rose under some embarrassment because it might be supposed from various circumstances that he was, as a matter of course, in favor of Upper Canada. He could assure that hon. House, that he was influenced solely by a sense of what he felt to be the best for the interest of his native country, and he could and would show that the course he intended to take was a consistent and uniform one. He felt that in a question of so much importance, involving as it did, the future well being of the Province, no apology would be expected for entering fully into the question: he wished that the opening of that day's discussion had fallen into abler hands, but as he had moved the adjournment on the previous evening, he found that it was expected that he would open the debate. He would remark that he had been opposed to the Union, but before entering into the question he might be permitted to say, that as far back as 1821 difficulties had arisen between Upper and Lower Canada, with respect to the proportion of duties which the former claimed, and in consequence of such differences, the Imperial Legislature was appealed to, and they then for the first time, entertained the idea of a Legislative Union; this measure was unfavorably entertained by both sections, and the Imperial Government abandoned it and provided a remedy by Legislative enactment. Much speculation followed as to the probable results of such a measure as the Union, and it had, as most questions of a similar nature, its advocates and opponents, but nothing was done until in the year 1838, after the

unhappy events of that of the previous year; and the report of Lord Durham having invited the public attention to it, the question was again brought up during the next Session of the Legislature of Upper Canada through the agency of the English party of L. Canada: the measure was discussed, and a committee appointed, of which he was chairman, to discuss the terms on which Upper Canada would consent to it. He would not on the present occasion enter into a defence of the terms which the committee directed him to report; but he must confess that he had always viewed the question with serious apprehension: and his hon. friend from North Lincoln would recollect that he had used the expression during the debate on the question, that he was fearful that all-powerful commerce would prevail and carry it in spite of them, and therefore it was desirable that every safeguard which could be thought of to render it innocuous as possible, should be insisted on. He felt that the influence of commerce, the god of mammon, was more powerful with the majority than any other principle, and although he would candidly admit that he had always said that in a commercial point of view the Union was advantageous, he never could view it either in a political or religious aspect without the most serious forebodings. It appeared to him that the Union was only to be looked upon in that three-fold character; and although it might be for the interest of the trade of the country that it should be consummated, yet on the two other grounds he was always averse to it. He wished he could say his feelings of aversion were groundless; but he regretted to be compelled to say they were only confirmed. Such being his impressions, was it to be supposed that he was very favorable when the following session the question was brought under their notice by the Governor-General. He opposed the measure; but it would not perhaps be out of place to give a short history of the course pursued by the government and those who were opposed to it on that occasion. It was rumored, and not without reason, that the Governor General, who came to Upper Canada for the express purpose of carrying the measure, and thereby superseded (sic) the Lieutenant Governor Sir George Arthur, had determined to dissolve the Parliament, and that he was only deterred from it by a report of the Executive Council. It would have been better, perhaps, if the House of Assembly had been dissolved on that question, for, in his opinion, the people ought to have had an opportunity of expressing their views; and if he knew anything of Upper Canada, they were generally hostile; but it was idle to speculate on what might have been. The Parliament was not dissolved, but convened on the 3d December 1839. On the 7th December the Governor-General transmitted a message, in which he mentioned the terms on which he urged the compliance of the House of Assembly:

"The first of the terms of re-union, to which the Governor-General desires the assent of the House of Assembly, is the equal representation of each Province in the United Legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that Province in a less favorable position than Upper Canada; but, under

the circumstances in which this Province is placed, with the increasing population to be expected from immigration, and having regard to the commercial and agricultural enterprise of its inhabitants, an equal apportionment of representation appears desirable. The second stipulation to be made is the grant of a sufficient civil list. The propriety of rendering the Judicial Bench independent alike of the Executive and the Legislature, and of furnishing the means of carrying on the indispensable services of the government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the acts passed by them for effecting those objects. In determining the amount of the civil list, the House of Assembly may be assured that the salaries and expences to be paid from it will be calculated by Her Majesty's government with a strict regard to economy and the state of the provincial finances. Thirdly, the Governor General is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should, after the Union, be charged on the joint revenue of the United Province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that Province should bear a proportion of their expences." He further stated that the details of the measure would be arranged by the Imperial Parliament, who were free from local bias or sectional feelings. The question of adoption on the terms proposed was urged with all the influence that the government could command or control; but although the Legislative Council were very complaisant and yielded a ready acquiescence, thereby undoing all that they had done the previous session, the Assembly were not so soon cajoled into submission: the debate continued from day to day. On the 14th, he, in order that the House might not ... be taken by surprise, laid on the table the additional resolutions which he intended to move as conditions: these were four in number; that the English language should be used; that the Seat of Government should be within the limits of Upper Canada; that there should be a real property qualification for members of the House of Assembly; that the Constitutional Act of 1791, relative to the Legislative Council, should not be departed from. Had these resolutions prevailed he might have supported the Union, though he could never consent to it without those safeguards. In consequence of these resolutions, he was informed that the Governor-General was anxious to see him. He was not at first disposed, knowing that at these interviews misapprehension frequently arises; but as it was strongly urged on him, he felt that he had no right to allow his personal feelings to interfere with the discharge of his duty; and when he reflected that he might perhaps be instrumental in doing good to his country, he consented to do so. It might be said that it would not be proper to repeat what occurred at such an interview; but although he did not intend to trouble the House with the details of that conversation, he must be permitted to state that he was there by appointment, as a representative of the people, at the request of the head of the government, and on a question of vital importance to the best interests of his native country:

and he could not, he was not at liberty to mention what arguments, and understand how assurances had been used to induce him to support the measures of the government when the same arguments and assurances had been used with more success with some other members of that House of Assembly. In that interview Mr Thomson assured him that he saw nothing unreasonable in what he demanded on the part of Upper Canada, but that as the Union was unpalatable to the Lower Canadians, it would not do to render them more hostile; Mr Thomson asked him (Mr C.) if he had no faith in the British Government; and assured him that his propositions would be granted by the British Government. He must confess that if the matter had been of less importance, he was of that disposition that he would in all probability have yielded: but when he reflected on the consequences of the Union (consequences which every hour was only bringing more strongly before them) he could not give up his conditions. In that view he had evidence that the Governor-General's parliamentary tactics were far superior to his, and he answered several questions which were put to him, which he had reason afterwards to regret. He did not hesitate to assert that the Governor-General stated that his propositions would be granted by the Imperial government, although he did not relish them as conditions to be appended to and form part of the contract. On that very day (17th Dec.) his Excellency transmitted a second message in answer to an Address for information, in which he stated that the details would be regulated by the Imperial government. He (Mr C.) did declare in the face of the country, that his resolutions were only lost as conditions because the Governor-General had stated to several members who had promised to support him that they were unnecessary, and would be granted by her Majesty: and they, relying on that assurance, and unwilling to suppose that a departure would ever take place, changed their intentions and voted as his Excellency desired. Accordingly, when on the 19th December he moved, seconded by Mr Bockus:

"Resolved. That this House having thus far concurred in the proposition of Her Majesty's Government, are bound by a sense of justice and duty to their constituents and the Province at large, to declare further, what provisions they consider as essentially necessary to obtain from the Union those results which can alone justify its adoption, and in the expectation of which this House alone consents to the measure. That in order to secure to the deliberations of the United Legislature all possible freedom from the influence of origin and institutions derived from a foreign country, and of the associations arising from the deplorable events which have happened within the last two years in the Sister Province, the Seat of Government should be fixed at some place in Upper Canada, and that English alone should be the language of the United Legislature, as this provision will, in the opinion of this House, be found an indispensable auxiliary to the amalgamation of the people, and to the gradual assimilation of the institutions of Upper and Lower Canada, and that this House desire to recommend to the consideration of Her Majesty's Government the propriety of introducing into any law for uniting these Provinces, a clause requiring a real property

qualification for Members of the House of Assembly, and that saving such exceptions as the foregoing resolutions may render necessary, this House desires to see the principles of the Constitution of 1791 maintained and preserved inviolate, and they rejoice to perceive that among the principles recognised by Her Majesty's Ministers as forming the basis of the Union, is to be found the maintenance of the three estates of the Provincial Legislature, by which this House clearly understand, that the constitutional prerogative of the Crown will be upheld, that the principles upon which the Legislative Council was created will not be departed from, and that the rights and liberties of the people and the privileges of their representatives will be guarded and sacredly preserved." He was in a minority of eight - now in the majority were those gentlemen who were unfavourable to the Union, and formed part of the ten, of which he was one, who voted against the whole measure: they thought that by voting for his resolution they would be indirectly sanctioning the Union, and another gentleman (Mr. Gamble) was shut out on the division, so that in fact they could hardly be considered a majority. He was surprised at the result: but in order to obtain for Upper Canada what he believed necessary for her prosperity and well-being, as all professed to desire, he brought forward an Address, which, although not exactly passed as he introduced it, yet was carried by an immense majority and contained the following:

"In the discussion of these propositions, it happened that some of the members of this House apprehending the greatest danger to our civil and political institutions, and even to our connection with the parent state, were opposed to the Union on any terms, while of those who supported the measure, there were many who were not wholly free from apprehensions as to the result, and who regarded it as a hazardous experiment, unless in addition to the terms submitted by the Governor-General, certain details calculated to secure their institutions and their connection with the Imperial Crown, should accompany their concurrence with the terms proposed. A majority, however, gave their unconditional assent to the propositions above-mentioned, in the fullest confidence that your Majesty in calling the attention of the Imperial Parliament to the Union, would at the same time recommend the adoption of every necessary safeguard to the maintenance of British interests and British supremacy. It is in this confidence that we now humbly submit to your Majesty's most gracious consideration the following propositions, which, in the opinion of this House, are calculated to secure the great end, in expectation whereof the assent to the Union was given:

"And first, we respectfully entreat Your Majesty, that the use of the English language in all judicial and legislative records be forthwith introduced; and that at the end of a space of a given number of years, after the Union, all debates in the Legislature shall be in English. And as a matter of justice to Your Majesty's subjects in Upper Canada, we earnestly and confidently appeal to Your Majesty, to admit their right to have the Seat of the Provincial Government established within this Province. It surely cannot be denied to the people

of this Colony, that if favor is to be shown to either Upper or Lower Canada, their claim stands pre-eminent; independent of which the moral and political advantages of the concession are too obvious and undeniable to admit of dispute."

He had ever maintained that that Address embodied the real sentiments and opinions of the House of Assembly of Upper Canada, and that the expectation was, that it would be so represented by the Governor General. Indeed the opposition did not hesitate to ask for the Seat of Government. One of the present Executive Council the Solicitor-Generaal for Upper Canada, (Mr. Small) moved an amendment to that Address in which he stated:-

"We trust Your Majesty and the Imperial Parliament, will view our having thus assented to the measures of Your Majesty's Government upon this important question, without insisting upon any conditions in the details of a Union which may vitally affect th((e)) best interests of the people of Upper Canada, as a renewed declaration of our confidence in the integrity of Your Majesty's Councils and of our reliance upon Your Majesty's sincere desire to do equal justice to all classes of Your Majesty's Canadian subjects. We feel however, that we should be wanting in our duty to Your Majesty and the people of this Province, whom we represent, did we not respectfully submit for Your Majesty's most serious consideration, that in our opinion, much greater advantages than can otherwise be anticipated to both Provinces, will flow from the Union, should the seat of government of the United Provinces be established within the present limits of Upper Canada, which we confidently anticipate will have a tendency ultimately, to make this portion of Your Majesty's dominions, British in fact, as well as in name." (Hear, hear, and laughter.)

Now all this was evidence to shew, that when the Union was carried, it was carried with the understanding that the Seat of Government should be within the limits of Upper Canada, and he fearlessly asserted, that without that understanding it would never have been agreed to. He was taken to task for saying, that if the Government removed the Seat of Government from Upper Canada, he would lose all reliance on the faith and justice of the British Government: he reiterated that sentiment - he would lose all confidence in the faith of any Government that would trifle with the pledges so given; it was said that it was not in black and white. Had it come to that? Was it in the year 1843, that they were to be told, that you were to deal with the British Government as with a sharper, and that that which was regarded as binding among gentlemen had nothing to prevent the Government from cancelling. - Let them take away the Seat of Government from Western Canada and the people would be justified in dissolving the Union, because the understanding had been violated. He knew no difference in a moral point of view, between the breaking of a pledge thus given and a compact engrossed on parchment - power might rend the one to pieces and betray the confidence of the other; but it was not the less dishonest in either instance. He could tell the Representatives of Upper Canada, that if they supported the Resolution of the Attorney-General, they must go, as one hon.

gentleman opposite had admitted, to Lower Canada, for a seat, which had been promised them; for he did not believe any Constituency in Upper Canada would return a member, who would so sacrifice the best interests of the Province, because the Administration had made it a Cabinet question - thereby throwing the weight of their influence in favor of the injustice to this part of the Province, and preventing either those who held or expected office from exercising an honest opinion. An hon. member opposite (Mr. Aylwin) had taken his hon. friend from Toronto to task for his speech, insisting, that they had no right to view the question as a political one, and charging the Government with being the cause of the excitement. His hon. and learned friend was perfectly justified in so doing. Had not the Attorney-General, in introducing the measure stated, that by it they (the Colonial Cabinet, as forsooth it is their pleasure to be styled) would stand or fall by the decision of the question, and had not a great portion of the speech of the Attorney-General been to justify their having made it a Cabinet question. Nor was his hon. and learned friend from Toronto, to be blamed, because he had discussed it on these admissions of the movers of the question - it was on these grounds that he charged it, and justly charged it on the Administration, that they had, in order to keep their places, by yielding to the Lower Canada majority, they had created the excitement which would not soon be allayed. He (Mr. C.) did not hesitate to reiterate the whole of these sentiments as his, and the people of Upper Canada would not fail to see their correctness. He trusted the debate would be conducted with the soberness and calmness its importance demanded, and not with that utter recklessness and passion, which had been exhibited by a member of the Government elsewhere. He was disposed to view it divested as much as possible, of all sectional and local bias. Allusion had been made to the course which this House had pursued to this question during the two former Sessions, and it had been asserted, that the question was forced on the Government, and was not of their seeking. Why did they not send down the correspondence? it was because they dare not do it. Lord Stanley was against them. What did Lord Stanley's dispatch of November 1841 say? why, that Kingston had not been selected without the greatest deliberation and consideration. He might perhaps here remark, that when the Union was proclaimed, the very few requisites he had contended for had been awarded to Upper Canada. The seat of Government was fixed within the limits of Upper Canada, at Kingston: the English language was to be the language of the records of the Legislature. A real property qualification of £ 500 sterling for members of the Assembly was decreed, and the constitution of 1791 was not departed from: and he did not hesitate to say, that in his opinion they were so granted, because it was considered that they were justly claimed by Upper Canada, and after this the people of Upper Canada could never suppose, that they were to be deprived of these advantages under the very peculiar circumstances in which the whole question was placed by the Administration. But to return to Lord Stanley's despatch: what did that despatch state? Why, that if any strong or

cogent arguments and statements ((existed)) showing the necessity for its removal, her Majesty's Government would then perhaps consider the question. Now, what strong or cogent arguments and statements had been brought forward to show that necessity? He did not hesitate to say that all the strong arguments had been decidedly in favor of retaining the Seat of Government in Upper Canada. Indeed the only arguments used were that Montreal was the only place where public opinion could be expressed, and that it was the commercial capital of Canada. Now, he would like to ask if public opinion was likely to be more correctly expressed by the people of Montreal than by those of Kingston? were they so much more enlightened or so much more intelligent? It was the first time that he had heard that the Lower Canadians were more enlightened than they were in Upper Canada. A great deal had been made of the argument of public opinion: he would ask what was public opinion? was it the expression of 20 or 30,000 persons? No: it was the calm and deliberate expression of the whole enlightened community formed on a full knowledge of the facts: it was not that ephemeral cry which any political demagogue can get up in a moment. Now, he ventured to assert that a proper expression of public opinion was more certain to be obtained in Upper than in Lower Canada; for it must be admitted that the people of Western Canada, as a body, were much more intelligent than those of Eastern Canada. So much for that argument. With respect to the other argument, its being the commercial capital of Canada, he would admit that Montreal was likely to be a large city: it was the great funnel through which the whole import and export trade must pass: it was the great emporium of the whole trade. Anyone who would look at the map of North America would see at a glance that the two national outlets were the Mississippi and the St. Lawrence: and what prevented the cities of Quebec or Montreal on the St. Lawrence, and New Orleans on the Mississippi, from being the largest cities in the world, but the climate, which on one river closed the ports five months in winter, and on the other four months in summer? And what was it that rendered New York the present commercial capital of North America, but the foresight of that eminent man and benefactor of his country, DeWitt Clinton? He saw that New York was healthy, and at all times open to sea-going vessels, and his powerful intellect brought about the construction of the Erie Canal, which gave to New York by artificial means that which the other parts had naturally. Apart from that argument of a commercial character, he had heard nothing justifying the removal from Upper to Lower Canada, at least for a Permanent Seat of Government. Some allusion had been made to the press. What was the difference? Did any one suppose that the Reports would be better given than they now were? But the question was not a temporary location, but a permanent one of the Seat of Government. If futurity was to be looked to, everything indicated that it should be west, instead of east. Population and emigration must go west: it was as natural as that the sun should rise in the east. The climate, the soil, the laws, the language were more congenial to the great mass of those who would naturally seek a home in the Western colonies. In fact, it could be demonstrated with

mathematical certainty. The statistical remarks which had already been made had anticipated some of his, but he must refer very briefly to them. In 1812 the population of Upper Canada was about 55,000; in 1843 it had increased to the extent of 487,000. In Lower Canada, on the other hand, while in 1812 it was 300,000, in 1843 it was under 750,000; which shows that the West must before long exceed the East. He did not hesitate to assert that it was impossible to fix the permanent Seat of Government at Montreal, it must go West. His hon. friend from Niagara had said it would be taken back in fifteen years: he would not give more than half the time; the people of Western Canada would force it back, as the western section of New York had forced the Erie Canal in spite of all the wealth and influence of New York and other cities used to prevent it. If it did not, it would dissolve the Union, or worse. - It had been said that the prejudices of a country should be respected; if so, why not regard those of Upper Canada, equally with Lower Canada, and not their prejudices only but their rights? If Montreal was a thriving commercial city, what caused its prosperity? was it not the industry of Upper Canada? What loaded the 1400 vessels which yearly arrived in the ports of Quebec and Montreal but the products of Western Canada. Cut off Upper Canada, and what would be the state of Montreal? It would be almost destroyed. He might be told that he was interested in Kingston; he admitted it; he was warmly attached to it: his early recollections were bound up with it, and it was endeared to him by many associations, of both a pleasing and a melancholy character, some only of a late occurrence; but he would not dwell on a subject of a nature so peculiarly personal to himself. He could say, as was known to some members, he had some interest in Montreal. The argument of interest was a two-edged weapon. He believed there were no less than 13 members of that House whose interests were identified with Montreal, independent of nearly as many members who were residents of the district in which that city was placed, (hear, hear,) and who were drawn there frequently and had strong personal attachments. He knew that an outcry had been raised because more extensive accommodations had not been provided by the people of Kingston, but was that a fair objection? Were they not taken by surprise? Inconveniences had no doubt been experienced the first session, but had they not made great exertions to remedy it? He would appeal to the House to bear him out in the assertion, that under the greatest possible discouragements, in keeping the question as to the permanency of the Seat of government unsettled, the people of Kingston had made extraordinary efforts. What were the facts? When the Seat of Government was placed here in April, 1841, the population was only 6000; it was now 14,000. Upwards of 490 houses had been erected and public improvements undertaken and carried on at an outlay of £500,000. Was that no evidence of a desire to meet the wants of every person as far as possible? and now, after all this, there was an intrigue going on to remove it. If want of population and accommodation was an argument, had not facts shown that time, and a very short time, too, would cure it? But was personal

convenience or inconvenience a statesman's argument? It had been stated by a member of the government, not of this House, that Kingston was an unimproved and unimprovable town; it was a base calumny, and only worthy of the author. Kingston had improved in the last three years to a most astonishing extent, and no one not blind(ed) by personal and political hostility could assert the contrary. The carrying trade of the place had been sneered at, but he had occasion three years ago to address a letter to the different Forwarders at this port, and he was astonished to find, in the answers to his queries, that there were as many cargoes discharged from Lake-going vessels as there were arrivals at the port of Quebec - (hear, hear,) - besides steamboats, barges, and other craft. He would not say any more respecting Kingston; the few remarks he had made were forced from him. He had said, if the Seat of Government was removed, the Union would be dissolved. (Hear, hear.) Last year many of the members from Lower Canada had not hesitated to say that a dissolution was desirable for them; but now we of Upper Canada are told we cannot do so; that we are bankrupt; that we had to take Lower Canada into partnership to pay our debts. If Lower Canada had to assist in paying the debts of Upper Canada, they had received value, as had been most clearly shown by his hon. friend the member for North Lincoln. It had been spent in the construction of those great works the Welland and St. Lawrence Canals; works which had doubled the trade of Montreal and Quebec. (Hear, hear.) It had been usual to sneer at the plans of internal improvements of that gentleman, but it was his exertions which brought about the first work, and if he left no other monument, that was one of which he need never be ashamed. But he complained, and the people of Upper Canada complained, that information had been kept back; they had a right to complain. Had not the member for Kingston said that he regretted His Excellency had not been advised to send down all the documents. It is to be supposed that if there was not something that the administration were unwilling the public should see, they would have been refused. If Lord Stanley was in favor of a removal, would he, after the minute of Council of March last, have hesitated in carrying that suggestion into effect? Did not his lordship know that under the system of Responsible Government (if indeed it was established) the administration must carry it, if they made it, as they have done, a cabinet question? Can any one suppose that the Executive Council were not disappointed at his lordship's refusal? was it not evident that the reasons set forth in favor of Montreal were not satisfactory? Then why not have shown the country the causes of this hesitation? They were afraid. It must be unfavorable. After the despatch of November 1841, can any one suppose that it is not the wish of the Imperial government that the Seat of Government should remain in Western Canada? and he (Mr C.) could imagine that his lordship had returned for answer, that notwithstanding anything which had been set forward by the Executive Council, Her Majesty was not advised to alter her determination; but that if the Seat of Government was to be permanently fixed, and the House would vote the supply necessary, her Majesty would be happy to

listen to any suggestion with reference to either Kingston or Montreal; it should have been Upper or Lower Canada. He was not surprised at the members from Lower Canada wishing to have the Seat of Government; it was natural; but those who were contending that the French Canadians were in a majority, forget that of the 750,000 of Lower Canada, 200,000 are of British descent; but while he admitted the natural feelings of the Lower Canadians to have the Seat of Government; and, however much he sympathized with those feelings, he would not consent to sacrifice the rights of Upper Canada. He did not wish to say anything irritating, or calculated to disturb the harmony of the debate, but he would not be doing his duty if he did not disabuse the public mind of the gross attack which had been made in the most uncalled for manner by a member of the government, not in that House, but elsewhere. That member of the Executive Council had had the authority to say-²

The Speaker ((MR. CUVILLIER)) called the hon. gentleman to order. It was not parliamentary to allude to anything said in the other House.³

MR. CARTWRIGHT instanced a case in point, to prove that he was correct-one in which some remarks which fell from Lord Melbourne in the House of Lords had been severely criticised by a member in his place in the House of Commons, without being called to order. The House being against Mr. Cartwright, the hon. gentlemen (sic) desisted, remarking, it was well known that anything expressed by such a political weather-cock as the gentleman he had alluded to, would have no influence in this Province. He would scorn answering the calumnies of one whose political tergiversation was notorious; it was only to prevent any misapprehension where the political character of the individual was not known, that he had thought of referring to it. The question at present was the amendment of his hon. friend from Kingston, viz: to return the question to Her Majesty's Government for their decision. It had been stated, and correctly stated, that that House was not the proper place to discuss such a question, and however desirable it might be to remove all sectional and local feeling, it was impossible. It had been surrounded with greater difficulties by being made a Government question; and if they proceeded and denuded Upper Canada of what she had a right to expect, they would raise a storm from Cornwall to Sarnia, such as they had no idea of. The people of Upper Canada would not quietly submit, as they would feel that they had been sacrificed by their rulers to keep their places, thro' the majority of Lower Canada. Moreover, it was the pledge of the British Government that this question would be settled by the Imperial Parliament, and not by any body composed as that House was. Had not the Governor General in both messages, of the 7th and the 17th December, stated that "it would be for the Imperial Parliament, guided by their intimate knowledge of constitutional law and free from the bias of local feelings and interests, to arrange the details of the measure? He had one consolation. The Union and all its attendant dangers, was

none of his seeking. He had endeavored to avert the Union, and when a majority were opposed to him, and determined to carry it, he had endeavored to render it as useful and as beneficial to Upper Canada as possible, and he now, on behalf of the people of Upper Canada, protested against this measure of the government as destructive of the best interests of his country, and not likely to produce either peace or contentment. For these reasons he was in favor of the amendment, and would vote for it.⁴

MR. WAKEFIELD said that it had not been his intention to take part in the debate till he heard yesterday the speech of the hon. Member for the Town of Niagara, and of his hon. friend the Member for Kingston; but he was now desirous of offering a few remarks. After paying much attention to the debate, it appeared to him that almost the only speaker who had proposed to decide this question on some general principle, was the hon. Member for Niagara. The hon. gentleman put forth no sectional view, but laid down the general principle which he thought ought to guide a legislature in deciding such a question. In this respect the hon. gentleman had dealt with the subject like a statesman. It was not, however in his (Mr. Wakefield's) power to agree with the hon. gentleman in the principle which he had maintained. It seemed to him that the argument of the hon. gentleman would have come better from a citizen of one of the neighbouring (sic) republics, than from a subject of the British Monarchy. He hoped that he had not misapprehended the hon. gentleman, to whose speech he had listened very attentively (as indeed he always did to what fell from the hon. gentleman, on account of his reputation for ability); and it appeared to him that the hon. gentleman had founded his whole argument on the practice of our republican neighbours. He understood the hon. gentleman to maintain that it would be for the advantage of a country like this to have the seat of its Government in an obscure village; that it was desirable to place the delegates of the people in a situation where they would be under the influence of no opinion but that which they themselves should constitute. Nay, he had even gone further, though perhaps not seriously, urging that it would be well if the Parliament sat in a place where the members would be apt to imbibe agricultural rather than commercial ideas - in a village, for example, where the cows and pigs were constantly in sight. But his main argument, the really important point in his speech, ((w))as the alledged expediency of placing the representative body out of the reach of public opinion. That was a strange doctrine, and would even be thought so in the United States. It was true that in many of those states, the seat of government was an obscure village; but this was not for the sake of the obscurity, but merely with a view to the advantages which would accrue from selecting the most central spot. For a democratic state the most central spot might be the best seat of government, because the greater part of government in such a state was carried on in the different localities by municipal authority, and the functions of the central government were almost confined to

occasional meetings of the delegates of the people for the purpose of making laws. Perhaps the best seat for such a government was the spot which the delegates could most conveniently reach, and from which they could most conveniently return home; that is, the geographical centre of the country without regard to other considerations. It was on this principle doubtless, that the seat of government for the great state of New York had been placed at Albany and that of Pensylvania (sic) in the obscure village of Harrisburg.

But he had now to draw a most important distinction - one which had not been alluded to in the debate, nor did he find it noticed in the Minute of Council on this subject - he meant the very different considerations which should guide a legislature in determining the seat of a monarchical government. Bearing in mind that under a monarchy the business of government is performed by an Executive which carries into effect the laws made by the legislature, the important question seemed to be, not where ought the occasional meetings of the legislature to take place, but what ought to be the seat of the permanent and ever active Executive? -not which is the spot where the representatives of the people may most conveniently assemble for two or three months every year, but where may the permanent administration of affairs be most conveniently carried on all the year round? Clearly, the fittest place for the latter purpose was that spot to which the greatest number of the inhabitants of a country resorted for objects of their own independent of Government, and where the greatest amount of public opinion was at all times collected.

He could not help thinking that for this country the City of Montreal was that spot. In that City the greatest amount, and also the greatest variety, of public opinion was always to be found. In this respect, Montreal presented a remarkable contrast with Kingston, where for the last two or three years the Executive Government had been placed out of the reach of public opinion. It had been his lot on more than one occasion to find the Executive government here profoundly ignorant on subjects of importance, with respect to which he (Mr. Wakefield) had just before obtained ample information at Montreal. At Montreal one could gain information of the state of feeling in every part of the Province, whether in the District of Quebec, or this District, or the more Western part of the country with which the gallant Knight opposite was connected. It was so because people from all parts of the Province visited Montreal; whereas nobody came to Kingston except as one goes to a turnpike, for the purpose of passing through it. There was no public opinion here except during the occasional meetings of the Legislature. At other times, the Government itself was in a state of banishment; and this was the state of things which the hon. member for Niagara so much admired. The Attorney General for Upper Canada had stated that Montreal was the natural centre of the population of the Province. He (Mr. Wakefield) had made some calculations (or rather they had been made for him by a gentleman on whose knowledge and accuracy he placed the greatest reliance) with reference to this point, which he begged leave to submit

to the House. Estimating the population of Upper Canada, in round numbers, at 500,000, and that of Lower Canada at 700,000 - an estimate certainly disadvantageous to the latter - it will be found that, at the very least, 800,000 or two-thirds of the whole population of the Province, resides to the Eastward of Kingston, while the number of residents Westward of Montreal is not more than 600,000. Taking an air-line radius of 100 miles round Montreal (exclusive of part of the United States which it would touch) there will fall within it no less a population than 520,000, leaving beyond it 680,000, or less than seven-twelfths of the whole population of Canada. The inhabited or partially inhabited territory on either side of the circle is of about equal extent, stretching to the North East about 500 miles and, as nearly as may be, the same distance to the South West. The population of the North East tract is about 230,000, and that of the South West tract 450,000. He mentioned this last fact, though it rather made against his argument, for the sake of fairness. Describing, on the other hand, a circle with the same radius round Kingston, the population of the inclosed tract within the Province is about 180,000 leaving 1,020,000, or more than five-sixths of the whole population, outside of the circle. The territory to the North East of the circle stretches some 700 miles in length, and that, to the South West some 300 miles only. The former has a population of about 700,000; the latter of 320,000. Again, the distance by the post route from Montreal to Gaspé Basin, the most Eastern post town in the province, is 667 miles; and to Amherstburg (sic), the most Western, it is 646: whereas from Kingston to Gaspé the distance is 866 miles, and to Amherstburg only 447. He was aware that it had been argued that the distance from Kingston to Amherstburg, 447 miles, was greater than that from Kingston to Quebec, 379 miles; and that the country beyond Quebec had been represented, though four hundred miles long, as of no consequence to the argument, or as a mere set off, as it was called, to the "Far West" of Upper Canada: but they who spoke thus seemed to forget that this tract, not to speak of its extent, contains a population of 130,000 souls - a population not much less than that lying to the West of Hamilton. Amherstburgh, moreover, was at the extremity of the long narrow tongue of land running to the South West between Lakes Huron and Erie; so that there was no territory to be found further to the West except by skirting the Southern, Eastern and Northern shores of Lake Huron, almost to the Sault St. Marie, or outlet of Lake Superior, a distance to the Northward of full 300 miles as the crow flies, or, following the general sweep of the Lake shore, of more than 600. Before the population of Canada could extend itself 400 miles West of Amherstburg, settlement must have proceeded along nearly the whole Northern shore of Lake Superior. And further, whenever, in its progress in this direction, it shall have reached the Northern shore of Lake Huron, which it will do at a point little to the west of Hamilton, (he craved the particular attention of the House, and of the hon. member for Huron, to this point) then the communication of the "Far West" of Canada will be shorter in point of distance, and far easier and shorter in point of time, with Montreal than with Kingston. He thought he had made out that Montreal was what was called "the heart of United Canada."

He spoke not of the numbers inhabiting the city, but of the vast proportion of the people to whom it was and would be a centre of communications. That fact was indisputable; and those who did not dispute his view of the expediency of placing the monarchical administration of affairs in the population centre, rather than the geographical centre of a country, would admit that Montreal was the proper Seat of Government for United Canada.

But his hon. friend, the member for Kingston, had almost threatened them with a dismemberment not merely of Canada, but of the Empire. That was the tendency of the whole of his hon. friend's argument; and he had listened to it with considerable pain. He repeated that the tendency of his hon. friend's speech was to make an impression, that if the Seat of Government were removed from Upper Canada, Her Majesty could no longer depend on the loyalty of Her subjects in this part of the Province: but though the speech had that obvious tendency, it had not made that impression on him. He (Mr. Wakefield) had heard that sort of argument too often, and on occasions too trivial, to be much affected by it. He had observed that it was an argument which told the most upon persons the least acquainted with the country; and that it was most commonly addressed to strangers. Doubtless it was addressed to every new Governor-General, and affected them all more or less during the first year of their residence here. He had heard the argument used by persons who boasted of their exclusive loyalty. Not long ago he met with an amusing instance of this. On the day after the announcement of the appointment of that eminent jurist and lawyer, MR. VALLIERES de St. Réal, to the Chief justiceship of Montreal, he, and some English gentlemen with whom he was travelling, met a party of these high-flown loyalists, who violently condemned the appointment as placing the British inhabitants of Lower Canada under "French domination," and when he and his fellow-travellers ventured to put in some apology for this act of Sir Charles Bagot, one of the very loyal gentlemen exclaimed with an oath, "then we will have a rebellion of our own." This was, no doubt, said to make a certain impression upon him and his companions; but if that was what his hon. and learned friend, the member for Kingston, intended, he must address himself to somebody more impressionable than he (Mr. Wakefield) was.

He would now turn to another point in the debate. It had been imphatically (sic) stated that Lord Sydenham had given a solemn pledge that the Seat of Government should be in Upper Canada. Some called it a solemn pledge; some, a direct assurance; others, a positive promise. He should like to be told the occasion and manner of this important act. He remembered that the subject of the Seat of Government had been discussed in that house during the Session of 1841, when Lord Sydenham was residing within a stone's throw of them; and yet not a word was then uttered about this "solemn pledge." It had never been mentioned till Lord Sydenham, never whispered till the principal witness had departed forever. He (Mr. W.) did not in the least question the statement of the Hon. and learned member for Lennox and Addington, with respect to

the impression which Lord Sydenham's private conversation had made on his (Mr. Cartwright's) mind; but he ventured to assure that Hon. gentleman, that persons whose character for veracity and accuracy stood as high as his (Mr. Cartwright's), high as that was, and highly as he (Mr. W.) respected it, had publicly declared that Lord Sydenham had privately assured them that Montreal would ultimately be the Seat of Government, and that he had placed it for a time at Kingston for the three-fold purpose of removing the Legislature from the influence of Toronto, of depriving the French Canadian population of influence, and of "letting Upper Canada down easy." It was to be regretted that such statements on either side had not been made whilst Lord Sydenham was alive and present to speak for himself: as it was, they deserved no weight.

There was only one point more on which he would trouble the House with a few words. He wished to call their attention to the means by which in some European Cities great improvements were effected without cost to the public. A case in London presented the best example. George the Fourth, who, though it could not be said of him that he found the city of brick and left it of marble, yet had a strong inclination to architecture, projected the great improvement of Regent's Street and the Regent's Park. The Executive was authorized to purchase the requisite ground by valuation; and the improvement itself had so greatly added to the value of the ground, that the face of this part of London had been changed vastly for the better at no cost to the public. In fact there were many cases in which the public would make a profit by erecting fine buildings in or near a growing City. It was commonly said that persons had offered to build a grand palace for George the Third in the centre of Hyde Park, on condition of being allowed to build private houses on a stripe of land round and within the Park; and that the King would have accepted the offer if a minister had not told his Majesty that the attempt to deprive his metropolis of its lungs might cost him his throne. Applying the principle of that offer to Montreal, it appeared not improbable that the whole of the government buildings, a palace for the Governor General, the Legislative halls and the Public Offices, might be erected without imposing any charge on the Provincial Revenue. At Montreal, that might be done, but no where else. The plan would be that the Executive should be authorized to purchase at jury-valuation, in the immediate neighbourhood of Montreal, a greater extent of ground than would be required for Public Buildings; so that when the whole property had been increased in value by the erection of the buildings, the quantity of ground not wanted might be sold for perhaps more than the valuation-price of the whole and the cost of the Public Buildings. He hoped that suggestion might turn out to be worthy the attention of the Government.⁵

CAPT. STEELE said it was not his intention to make a long speech, but he desired to offer some remarks on the course taken in making the measure before the House a Cabinet question. He was of opinion that the

manner in which it had been brought forward would change the political aspect of the country. The Union had so far worked well, and he trusted nothing would occur to disturb its operation or destroy that harmony which had hitherto marked their deliberations. But, he must be allowed the expression of his fears for the result of the agitation of the question before the House, especially in the manner in which it had been introduced, which in his opinion was calculated rather to excite than allay the natural irritation to which the discussion of such a subject would at all times give rise. He should not now dwell upon that point, but proceed to consider the reasons which had been advanced in favor of making Montreal the Seat of Government for United Canada. He would admit it to be the emporium of the commerce, the centre of the trade of the country; and he had been told that it contained a large population - a population numbering about 42,000 inhabitants. It had been urged by the hon. Inspector General as an argument against Kingston and in favor of Montreal that here the Legislature was not surrounded by public opinion; and that such would not be the case if the Seat of Government was removed in accordance with the Executive recommendation. In respect to the necessity for such an opinion, he differed entirely with the hon. gentleman, and to the proposition to surround the Legislature with the public opinion of Montreal, he would enter his decided dissent. Such an opinion, he was assured, was not at all sought for by the farmers and people of Upper Canada to influence their legislation. It was a kind of pressure from without which, for the independence and freedom of action of the Legislature should rather be avoided. He had known something of that kind of pressure. He had known members of the British House of Commons dragged out of their coaches in the streets of London, on their way to Parliament House, during an excitement on the Corn question, and threatened by the mob, should they vote in favor of maintaining those Laws. What had they witnessed in Ireland? Immense masses moved at the will of one man, and threatening in their proceedings the dismemberment of the Empire? That might not be considered applicable to the present case, but had they not witnessed the same scene in Lower Canada? He would not, therefore like to go there; another man might rise, and move the masses. (A laugh). Hon. gentlemen might laugh, but experience had proved the possibility - it was for them to consider the probability of such a state of things. At all events it was no argument in favor of Montreal that it possessed a population larger than that of Kingston. Montreal might be more agreeable to hon. members, and he had no doubt it was looked upon more favorably from that consideration; but he did not find many leisure hours for such pleasantries, nor did he think they were sent to Parliament for the purpose of spending two or three pleasant months at the capital. He found it necessary, in order to attend to business, to take hasty dinners, and no time to drink champagne - (laughter) no time to go about to talk to this one and the other. It was their duty to attend solely to the furtherance of the business of ((the)) Legislature. (Hear, hear.) They had been told that Kingston was a mere village; he did not look upon a

place containing 14,000 or 15,000 inhabitants as a mere village. It had the advantage of a central position, of convenience, and he would maintain that they could attend to business more deliberately than in the midst of a large population. The more free they were the more useful would be their legislation, with regard to those whom they were sent there to represent. He considered the people of the United States had acted wisely in placing their legislature beyond the reach of the influence of large masses, though in some of the States the Legislators were not so fortunately situated. Even in Harrisburg, the capital of Pennsylvania, "public opinion" had proved so strong, that the members of the Legislature were obliged to escape out of the place in which they were assembled through the windows of the House, for the security of their lives. (Hear.) With regard to Kingston, he thought that now to remove the seat of government would be an act of gross injustice to the inhabitants, who had been induced to make extraordinary exertions, at an immense outlay of capital, for their accommodation and to many of whom a removal would prove utter ruin. (Hear.) Independently of that, the members from the Upper Province should have some sympathy with it, as one of their own towns, in which Lord Sydenham had, in accordance with his pledge, fixed the Seat of Government. He supported the government, because he concurred generally with its policy; it commanded a majority in that House, and justly so; and in his opinion would continue to command a majority, but he could not go with them in sacrificing the interests of Upper Canada, as he believed they were doing. The Lower Canadians he knew were actuated by local, he might call them selfish feelings; but he did not blame them; they were acting in accordance with the wishes of their constituents but as to members from Upper Canada, who would vote for a removal, he was right in saying they did not represent the wishes or feelings of the people of that section of the Province. (Hear.) They had been taunted with the debt of Upper Canada, but he denied that Lower Canada had to pay that debt. (Hear, hear.) That debt had not been contracted for the benefit of one Province but for the benefit of both. But what paid that debt, or furnished the means for paying both principal and interest? Was it not the tolls paid on the works which had been constructed with that money, by the Upper Canadian farmer? Yes; and that while the Lower Canadian sent his produce without payment of one farthing of toll. (Hear, hear.) Then again the farmer, who was the consumer or rather the people of Upper Canada, had to pay toll on the imports ascending the St. Lawrence or the Rideau Canal, while the Lower Canadian did not pay one farthing. It was an indirect taxation for the payment of that debt from the imposition of which the people of Lower Canada were entirely exempt. And yet they talk about the debt which Upper Canada saddled upon them, forsooth! Away with such nonsense! (Hear, hear.) His hon. friend the Inspector General had in the course of his remarks ventured some ill-natured sneers at half-pay Officers; he (Capt. S.) was one, and he could tell that hon. gentleman they were amongst the most intelligent and useful class of the population. (Hear.) Who, he asked, when rebellion reared

its front in this country, first stood forward and placed themselves at the head of the loyal militia to direct the operations, and to give them the advantage of their experience, but these half-pay officers? and he would thank the hon. Inspector General, when he alluded to that class of individuals, if he would not allow his words to overstep his discretion. (Hear, hear.) Leaving that digression, for which he begged pardon of the House, he would again come to the question. In his opinion no decision to which that House would come would be final. He did hope His Excellency the Governor-General would exercise his free and independent judgment, and call upon the Colonial Secretary to retrace his steps, and place the Seat of Government, not in Montreal, but in this "miserable, unimproved and unimproveable village." (Hear.)⁶

MR. BOSWELL supported the administration because it had come into office on those principles for which he and the Reformers of Upper Canada had long contended, the most important of which was Responsible Government. He did not now rise to address the House with the expectation that anything he might offer would change the opinion of any one member of that House, but to justify the vote which he should give upon the question before the House. The question had been described as one of considerable importance, and why was it so? Why was it that the fixing of the Seat of Government in Upper Canada was made to assume so important a feature in their legislation. Because that it was only a short time since two Provinces, different in language, in laws and institutions, had been united under one government, and from the necessity that the advantage of having the Seat of Government should be given to one or other. Both claimed it with an equal warmth; and the question was to whom should it be given. On this issue it could not be expected that anything like an approach to unanimity of feeling would be exhibited; therefore, in his opinion, local feelings and sectional interests should be laid aside in favor of that place which gave the most equal advantages to the people of both Provinces. He could not agree with those who had preceded him that the selection of Kingston was not made as a permanent location: he did not think his hon. friends were correct in thus arguing; he was satisfied it had been done after full deliberation, indeed that view of the case was borne out fully by the despatch of Lord Stanley, in which they were informed that that selection had only been made after very great deliberation indeed on the part of Her Majesty's Government. He thought it would be most injurious to the character of the persons by whom they were placed here if it were not so; and could not conceive any worse policy than placing a Seat of Government in any place only for a temporary purpose. Then if they looked one moment at the importance of equilizing (sic) as far as possible, the interests of both provinces, they would see at once the necessity of permanently fixing the Seat of Government. It had formerly been at Toronto, and if the removal had not been intended as a permanent measure, he had no doubt they would have been directed to meet there again; because that city possessed every convenience for that purpose,

if only to be looked upon as a temporary arrangement: or they might have assembled, with equal convenience, in that respect, at Quebec, but in any other respect there was just ground of complaint on the part of Upper Canada for taking it away from Toronto, as there would be in Lower Canada in placing it temporarily in any other city than Quebec. Instead of that, however, everything had been removed by Lord Sydenham from Quebec and Toronto and brought to Kingston, and yet hon. gentlemen say there was no public act of Lord Sydenham to show that he ever intended a permanent location of the Seat of Government in Kingston. He could not agree in that assertion. But supposing only a temporary purpose was intended what was the object of carrying ((it)) here at all? Was it only so temporary, as to remain here but two or three years? Had all the expense of a removal from those two places mentioned, been incurred solely for so short a period? No. If it was intended as a mere temporary arrangement it was not so temporary as some hon. gentlemen had desired to make it appear. He would now enter upon the general question, and in discussing the principles in which it should be decided, he wished to disclaim being actuated in the least degree by any local or selfish feeling, or by any other motive than a desire to secure the greatest general good to the Province in the settlement of the important question which had so long agitated the country. Many arguments had been brought forward by those who were agreed with him on the present question, but, who differed on many others, to which he could not subscribe. He disclaimed in toto, any right on the part either of Upper or Lower Canada to the Seat of Government; and with reference to the pledges alleged to have been given, if any such pledges were made, they were made to one party only, and he thought it not only unjust but ungenerous to claim on such grounds the Seat of Government for Upper Canada. It was quite unreasonable; and he thought the reference to such pledges has weakened the argument that it was inexpedient to remove the Seat of Government to Montreal. He would therefore confine himself to the argument which had been used. That to which most prominence had been given was that the Seat of Government should be placed in the midst of a dense population, in order to ensure the influence of public opinion upon the action of the Legislature. It was very easy to put down an axiom of that kind, and support it by arguments apparently sound: but he did not see any stronger argument could be urged in favor of having the Legislature assemble in the midst of a dense than a rural population. It was not certain that there was more unanimity in a dense population, or that the opinions of the masses have always been correct. History did not show that they had always risen after sound reflections or that they had arrayed themselves on the side of truth and justice. (Hear, hear.) The revolution in France, with its attendant horrors, would never have taken place had not the National Assembly been surrounded by the mob of Paris; and indeed there was scarcely a case in which such bodies had ranged themselves on the right side. If the page of history were consulted, it would be seen there when people in large cities had risen en masse, the first movement

was generally wrong, and that they were frequently led from one extreme to the other. He did not wish to be understood as saying that the reverse of this proposition was the right one; but after all there was not much difference between 40,000 now in one city and 14,000 in another, when in all probability the latter would soon be raised to an equality with the former. Was that, however, to be urged in favor of a removal to Montreal? There was not a sufficient difference to establish the argument and it was useless to refer to European capitals, because there was not that vast disproportion between Kingston and Montreal, as there was between London and other cities of Britain, or so much that a public opinion could be said to exist in the one which was not to be found in the other. There was this, however, to be remembered. The question before them was one of legislation between two people of different origin and race, with different language, habits, and customs, and living under laws essentially different, with the exception of the criminal code, which was common to both; and having interests and feelings peculiar to each. Now, he would ask, was it right that the Legislature of United Canada should be removed to a place in which it would be subjected to that influence which it was openly desired to place it under - the pressure from without, as it had properly been termed by his hon. friend the member for Simcoe? Even as a commercial town, the interests of Montreal were distinct from those of the people of Upper Canada. The inhabitants of that city are the sellers, we are the buyers; and their interests were not always alike. Although it had been laid down by the hon. and venerable member for Richelieu that they were entirely distinct. The hon. member for Niagara, the other day introduced a bill for the abolition of imprisonment for debt, a necessary and humane measure (sic), desired by the people of Upper Canada, but they would find no such desire existing in Lower Canada. He had merely cited this to show the difference of interest. Their laws, both in the letter and the spirit were essentially different, and did not partake of the liberality of those of Upper Canada. Now, he had a desire on all occasions to give to Lower Canada equal rights and an equal weight with Upper Canada in the administration of the government. He desired to draw no distinction--to institute no difference in favor of either, but would it be said for a moment, that at present the chief power of the government was not in the hands of the hon. Attorney General East? Now, was it right, was it policy that that power should be strengthened? It was admitted that the people of Lower Canada had more power in the government than we have, and would they consent to strengthen that power? They were told that Montreal was a wealthy city: for the same reason he asked, would they add wealth to the wealthy, and strength to the strong? He was not afraid of that power, but he could not disguise from himself that a feeling of disgust existed throughout the country upon that head. Was it, then, good policy to give weight to that government? would it not be better to do all they could to defeat it, and show its fallacy? He was anxious that the policy of the administration should be sustained, and that the party by which it was supported would

be united. Was it not a fact that all the members of the opposition were from Upper Canada? and he put it to his hon. and learned friend whether it was wise to legislate as to increase the division among the representatives of Upper Canada. He would doubtless say it was not wise; that it is not so. Then he would ask him another question, and anticipated an answer precisely in the same manner, - whether you strengthen the Reform case in Upper Canada by taking the Seat of Government to Montreal?⁷

((MR.)) LAFONTAINE - Yes⁸.

((MR.)) SMALL - Yes.⁹

((MR. BOSWELL continued:)) He could not understand how those hon. gentlemen could say so. He had no doubt, from the confidence existing in the administration, that he could satisfy the Reformers that the course pursued by the government in this instance had been adopted with the best intentions, but the universal answer, he knew, would be - "we will not turn against the administration because they have thought it necessary to remove the Seat of Government to Montreal, but we are satisfied it is a wrong step: they shall not lose our confidence, but we feel they have committed an error which will be attended with serious injury to Upper Canada." That reason he had urged; and it was for the support of the party which acted with and supported the administration in Upper Canada that he would vote for the amendment of the hon. member for Kingston. (Hear.) They had been charged with sectional feelings in giving an opposition to the removal of the Seat of government from Upper Canada; he could not but admit the strength of that charge; he regretted there was so much of it exhibited on both sides. He admitted that his constituents were interested in the decision of the question, that the River Trent passing through the country and meeting the waters of the Bay of Quinte, moved on to the port of Kingston, their principal market: but he had endeavored to divest himself of any such feeling. It was not fair, however, to charge upon them alone sectional or interested feelings, when the very city you propose to make the Seat of Government, numbers 12 or 14 of the representatives from Eastern Canada among its residents. (Hear, hear.) And he had reason to believe the question would only be carried against them by those votes; not that he imputed anything improper to those gentlemen, but he knew what must be their feelings in reference to the choice to be made. He had no desire to continue the discussion - the ground had all been gone over - he had said merely what he thought would justify his vote on the present occasion. He would, however, trespass upon the time of the House with a few more remarks. If the amendment was lost, and the original carried, he was not of opinion that such a result would lead to a dissolution of the Union, but he was satisfied it would lead to much greater difficulty than if settled by Her Majesty's Government. The people of Upper Canada would maintain the Union, and if

it was calculated nicely who gained most by the Union, (Hear, hear,) he did not think the people of Lower Canada would seek to dissolve it. When it was seen that they were placed uppermost in power, it was evident that the Lower Canadians had the benefit. It did not matter whether there were two or four, or fewer members in the administration, when they possessed the control, it could not be denied that they had gained by the Union. Their position was vastly improved over that which a few years since they occupied battling alone and unsuccessfully for their constitutional rights. He did not think, therefore, the people of Lower Canada would become Repealers. If the Seat of Government should be removed, he would do all in his power to reconcile his constituency to the change; still he would feel it a grievous loss, and would be glad to have the question decided by Her Majesty's Government. But if decided here, he would do all in his power to make it work well and to continue the Union.¹⁰

MR. SMALL, said he should most probably have given a silent vote upon the question, after so much having been said had he not been personally alluded to by the hon. member for Lenox and Addington. Before however, adverting to what had fallen from that hon. gentleman, he hoped the house would bear with him, while he made a few remarks upon the question immediately under consideration; and he assured them that he should not detain them long, as he felt satisfied it was impossible to touch the subject without reiterating the arguments already advanced. He (Mr. S.) was a British born Upper Canadian, and he gloried in the name. He loved his country, and feeling proud of its being an appendage of the great and glorious Empire of Great Britain; his anxious desire was to cement that union which now existed, and which he trusted would continue to exist for centuries yet to come. He admitted, with gentlemen who had gone before him, that this was an important question; one of the most important in his (Mr. S's) opinion, that could possibly agitate the minds of the people of this country, as probably the question of the continuation of the union between the two Provinces, was not only involved in the decision this house might come to, but possibly that of the dismemberment of the Empire itself. He regretted that the question had been submitted to the consideration of this house, not because he was not prepared to grapple with it, but on account of the bad feelings it must necessarily engender, not only within the walls of this house, but out of doors. Some hon. gentlemen had condemned the conduct of the Provincial Executive for making this subject a Cabinet question; but he would ask, how with honor to themselves they could possibly have done otherwise. Gentlemen must be perfectly aware that Her Majesty's Ministers had instructed the late Sir Charles Bagot, to take the opinion of his Council upon the subject. Having been so called upon, they had no discretion (sic) left, but were bound to give that opinion, upon the maturest consideration of the question, - and they did so, fearlessly upon the requisition of the Imperial Government; at the same time respectfully requesting that Her Majesty would descide (sic) the

question - She however, had not been advised to do so, and had directed the question to be referred to this house. In his (Mr. S's) opinion, the Colonial Ministers had done wrong in advising Her Majesty to such a course, and had not treated the Council, whose opinion he had asked, with that courtesy they had a right to expect - under such circumstances, the Council could not do otherwise than they had in making this a Cabinet question, they would have stultified themselves if they had not; and it was right that they should go out of office for the advice they had given, if it did not meet the approbation of this house. The hon. and learned gentleman from Lenox and Addington had said a good deal about a pledge given by Lord Sydenham that the Seat of Government should be retained in Upper Canada. Now he, (Mr. S.) was a member of the Assembly of Upper Canada at the time, and saw as much of Lord Sydenham as the hon. gentleman, and had as good an opportunity of hearing of such a pledge, had it ever been given. He now for the first time heard it asserted that such a pledge was given, and he would, without hesitation take upon himself to declare that no such pledge was ever given - and it appeared to him (Mr. S.) most extraordinary, that if such a pledge was given, which satisfied the hon. gentleman that he should have persevered as he did in 1840, to attach as a condition of the Union, that which he now states, the Representative of the Sovereign (sic), had pledged to him should be done. The hon. gentleman has also triumphantly referred to an amendment moved by him, (Mr. S.) to the address prepared by the hon. gentleman to the Queen upon that occasion, to prove that he (Mr. S.) was at that time, an advocate for the Seat of Government being in Upper Canada, he had no objection to meet the hon. gentlemas (sic) with reference to that amendment. In it, he (Mr. S.) had, with a view to get rid of the original address of the hon. gentleman, merely stated it as his opinion, that it would be more beneficial to the interests of the United Provinces, should the Seat of Government be retained in Upper Canada; whereas the hon. gentleman in the original address claimed it as a matter of right. Now he would defy any hon. member, to point out the right of Upper Canada to the Seat of Government, he would deny that it had any right whatever. He did not deny, but his opinion was, at that time, that it would be better for the interests of the country, that the Seat of Government should be fixed in Upper Canada. But why had he formed that opinion? it was because he had not the honor of knowing his fellow subjects of L. Canada, of French origin but by report, and those reports, since he had the honor of becoming personally acquainted with them, he had discovered to be utterly false and unfounded - he found them to be a people vilely slandered and traduced, and he now discovered, from personal observation, that the reasons did not exist which induced him to form that opinion. Would it not then be dishonourable in him not to retract an opinion so given, when he discovered it was based upon false premises? he trusted hon. gentlemen, instead of censuring him, would give him credit for retracting an opinion so given. He (Mr. S.) had always been an advocate of the Union, as the only course to be adopted (sic), with the least (sic) prospect of

advancing the prosperity and happiness of the Country, and he deprecated the course some gentleman in his opinion appeared to be pursuing, of unjustifiably endeavoring to alarm the public mind, and create an agitation in favor of a dissolution of the Union. He was so satisfied of the importance of maintaining the Union, as the only means of forwarding the best interests of the country, that he did not hesitate to sacrifice what might be considered personal, and sectional interests, which should at all times be subservient to the general weal.--He should therefore vote for Montreal as the Seat of Government, satisfied in his own mind that any agitation of a dissolution of the Union, got up by our fellow-subjects of French origin, would be of much more serious importance to this colony than any agitation which the hon. gentlemen opposite might think proper to threaten the House with. After the very able and unanswerable arguments made use of by the hon. member from Beauharnois, in favor of Montreal, it would ill become him (Mr. S.) to occupy the time of the House in advancing reasons why that place should be selected, as preferable to Kingston, for the Seat of Government,--he should therefore content himself before he sat down, as two other hon. gentlemen had each "let a cat out of the bag" --with letting out a third --and however much hon. gentlemen may endeavor to disguise the fact, the House may rest assured that all the pretended excitement out of doors, is only got up with a view to restore that party to power, who while they possessed it, only used it to advance their own interests, at the sacrifice of the best interests of the country, and who would not hesitate now to dissolve the Union, and again throw the country into anarchy and confusion, if thereby they could only regain that power, which while they possessed, they abused, and which they well know they never can regain but by such unhallowed means.¹¹

MR. CAMERON said however desirable it might be at that stage of a very protracted debate to give a silent vote, he could not do so after the remarks that had fallen from the hon. Solicitor General West, who had stamped the opposers of this measure as persons of a fallen party; of a faction opposed to the administration, and faithless, he (Mr. C.) was surprised to hear such a statement on a question of that kind, when the interests of a whole people were at stake; and least of all, should it have come from him after what he had heard fall from several of his reform friends in that House. He (Mr. C.) had acted all his life with the reform party, and he had made no diverse wanderings, and he had long and steadily sympathized with and defended the reformers of Lower Canada, and had done them justice. But it was his lot to differ with them now. And he and many of his fellow reformers did on a former occasion, during this Parliament differ with them--and some of his oldest reform friends on other questions in which he believed they sought a common object, and it was ever painful to differ with those you respect, and whose confidence and esteem you desire to maintain, and no one more painful than to himself. But he (Mr. C.) admitted that the object sought was as well obtained by the course they took as it would have been by ours, perhaps better, and they know that none rejoiced more or aided more to have it so than he did;

and if he was wrong in his present course-- if the object they sought-- the peace and happiness of United Canada, and the stability of the reform party shall be preserved still, no man will more sincerely rejoice-- and he pledged himself to endeavor to have it so. But acting as they did now they desired not to be misunderstood. It might be supposed that their confidence was shaken in the general policy of the administration, or that their own views were changed. But this was not the case. They desired to sustain the Government because they command the respect of the Country. And above all they desired to maintain the great principle of Responsible Government; because this people, aye, every people had a right to govern themselves--to choose and sustain that form of Government they conceived best suited to promote their happiness and prosperity, and he was of opinion under existing circumstances of trade, commerce and the political commercial concession made to us, that colonial dependence is the best position in which we can be placed, he (Mr. C.) should ever take what he conceived to be the best means to promote union among ourselves, and peace and harmony with the Mother Country. Before the Act of Union both sections of this Province were like broken, stringless instruments. And allow him, in fewer and better words he would express it to show their position as stated by one whose opinion was entitled to great consideration. "With a view to remove all those difficulties; to relieve the financial embarrassments of Upper Canada; to enable her to complete her Public Works; and develop (sic) her agricultural capabilities;-- to restore Constitutional Government to Lower Canada; to establish a firm, impartial, and vigorous Government for both; and to unite the people within them in one common feeling of attachment to British Institutions and British Connexion, the Union is desired by Her Majesty's Government; and that measure alone, if based upon just principles, appears adequate to the occasion." Yes that position, like the tuneless instrument, we had the elements of power and usefulness, but who or what could call it forth. He (Mr. C.) believed it was only him and the plan he supported-- the Union. The Union alone would have concentrated our energies, raised our public credit, and united a party capable of governing this great Province. The Union alone could have given us the means of obtaining these great public improvements now in progress, or yet to be commenced, and therefore he said the Union was to them everything. It was their first, highest-- yes, a most sacred duty to endeavor to maintain it; and if so, surely every thing calculated in the slightest degree to endanger it should be avoided, or touched with the greatest care and tenderness. He rejoiced from the proclamation of the Union that that question seemed removed from the arena of local politics-- and therefore he had the more confidence in the stability of the measure. He conceived it necessary that the Seat of Government should have been removed from the former scenes of political contention to neutral ground; all parties seem to admit that this was the principal desideratum, and one whose judgment was clear, took this view of the question. He (Mr. C.) owed as little individually to Lord Sydenham as any member of that House-- and he cared as little to oppose his mandates when they were contrary to what he thought right, as any hon. gentleman; and for the truth of this he could appeal to his hon. friend the late Secretary West. But as a Statesman and an acute, intelligent and enterprising Governor, he said now as he had often said

before--we never had, and we never shall see his like again. He at once the representative of the Sovereign, and a member of the Imperial Cabinet, clothed with greater gubernatorial (sic) power than any other Governor General ever possessed, chose this as the point where neutrality, centrality and public convenience were combined. And because he Mr. C. thought he was right, and because he knew, and it was useless to deny it, that a latent principle of jealousy exists in Upper Canada, he thought the question should be let alone. He thought the prejudices of the people of Upper Canada (based no doubt like those explained and retracted by the Solicitor General,) or ignorance of the amount of talent, condition and ((1))liberality possessed by the leaders from Lower Canada, should be considered. Let his hon. friends yield on a point of this kind to our prejudices as he did to them in the matter of the Sleigh and Registration Ordinance, and they would thankfully acknowledge their generosity. The question could have been let alone. He did not allude to the Minute of Council before thm (sic), nor to the course taken by the Government. They were called upon to give their opinion. They did so candidly and fearlessly, and they were willing, on the principles they profess, to abide the consequences; but he alluded to the original agitation of it by the Resolution of the member for Gaspé.¹²

No, no, petition from Toronto for alternate Parliaments, from some hon. member.¹³

((MR. CAMERON resumed:)) Well, he might be wrong in this and would desire to put the blame on the right shoulders. That absurd proposition he condemned at the time and foresaw the evils it would produce. The Solicitor General East deprecates the idea that this question could affect the Union. Both parties have in the debate admitted that it might in either case, if removed or continued here. He (Solicitor General) had said there was not the necessary facility of intercourse with the Mother Country; but he Mr. C. again appealed to the opinion of Lord Sydenham, who, in a letter to his brother, speaks of his satisfaction in having chosen this as the Seat of Government and mentions the fact of his having received letters from England in 15 days: his words were,--"I have every reason to be satisfied with having selected this place (Kingston) as the new capital. There is no situation in the Province so well adapted for the Seat of Government, from its central position; and certainly we are as near England as we should be any where else in the whole of Canada, my last letters reached me in fifteen days from London! So much for Steam and Railways! The Solicitor General refers to the poverty of the place, by an allusion to an incidental remark of the member for Lenox & Addington with regard to his private Library. The people of Upper Canada are young and poor, and nothing connected with the Seat of Government, do many of them value more highly than the library of the Legislative Assembly and they pray that as you have the depots of trade, and the streams of commerce, and in both of your Cities great public Libraries, that you may not remove from us this fountain of knowledge. The hon. the Attorney General had said that Montreal was the great commercial centre of the Province; the depot of our imports and exports; and this

was true of the past, but it would not continue to be so. The merchants of Toronto and Hamilton now import their own goods to the extent of \$200,000--fully one third of the present imports; and these towns must soon be the principal depots of Canadian imports, and the canals now in progress will as surely make Quebec the great depot of our agricultural exports, as it is now of our lumber trade. Montreal has been recommended because it is at the confluence of the two great rivers of Canada, and because the great lumber trade of Canada is led to it by the Ottawa. The extent of this trade--the importance of that noble section of the country, is not overrated, but the branch of the Ottawa by which this trade found its way to Quebec, was 15 miles below Montreal, at what is called "Bond (sic) de L'Isle." It has been said, were a stranger asked where the Seat of Government of United Canada should be, he would of course first look to the map for geographical extent, and enquire the present and probable population, and the capabilities of both sections; the means of defence of the several cities: which by all great authority on this subject, is of the first importance; and he of course would enquire earnestly into the previous state of public opinion in the several cities that might be supposed candidates for the honor. And he would examine such statements as those made by the hon. member for Beauharnois; and he would examine his statement that the population East of Kingston was as 7 to 5--and if he found that a few years ago that it was as 2 to 1--he would naturally conclude that very soon it would be two to one in favor of the West. He would examine the country East of Quebec as well as the Peninsula lying between the three great Lakes, and the comparison could not but strike him. Several Governors had declared that peninsula the finest country in the world, capable of sustaining millions of people--and hundreds of American travellers had told him (Mr. C.) that no part of North America presents in one unbroken front, such a quantity of fertile and valuable lands. And they had been called upon to receive as an argument in the course of the debate, that the country from Quebec to Gaspé was quite equal to it. The ignorance of passing events which the hon. member alluded to, was doubtless owing to distance from the scenes of action--but we are told distance is of no consequence--and how does this agree with the great clamours of the last 10 years, of the impossibility of persons 4000 miles off, knowing or caring for the interests of Canada. Distance then was every thing; and distance and extent of country was the reason given by the hon. member for Richilieu (sic) (who made the most sensible and philosophical speech on the subject) for the causes of discontent and failures of several governments of Europe, and for his opposition to the Union. Upper Canadians need not theorize on the subject. They knew from past experience that distance from Toronto was felt to be the great curse of the country--and that proximity to Toronto insured every political blessing. Was it not the influence of the Seat of Government that settled the Lake Simcoe and Huron country, while the outer Districts were neglected. The argument of the hon. member from Beauharnois on the speculations that had been made in property, applied equally to every place, and therefore without noticing the air line radius of the hon. gentleman, which would include a large and populous portion of the United States. He (Mr. C.)

would again refer to the stranger whom they had supposed was required to select a place for the Seat of Government. He said he would enquire into the state of feeling in the several cities, and if he found that those cities had been the meeting places of fierce contending factions: if two parties had severally contended that even an election could not be held without loss of life and bloodshed- think you he would place the seat of government there; no, he would seek some quiet, neutral spot, where legislation might at least be conducted in peace- he would then think of the expenditure necessary, and he could see that if Montreal were selected that your £ 200,000 first to be voted for the buildings would only be the beginning of a neverending requirement for security and defence; for that great mountain must be fortified. - Whilst the expences here would be nothing, for the defences at Fort Henry and others in progress, are second only to Quebec. They had been told that there was no public opinion in Kingston. What is public opinion? to be entitled to weight it must be enlightened, intelligent- and are we behind Lower Canada in this respect? is it not notorious that we read and circulate many more newspapers than are circulated in Lower Canada; and is our press inferior to Montreal? The fact of the people acting in masses shews that there is not enlightened public opinion that they claim. Where then was this influential public opinion? A great diversity of public opinion will appear and the seats of hon. gentlemen not be so perfectly secure at all times. But He (Mr. C.) had trespassed long, the proposition before them was reasonable and fair and would be honorable to the Government; and he had hoped that they would themselves have adopted it. Who could object on a matter of that kind to leave the matter to our common Sovereign- and who would be so disloyal as to disobey or not support her decision. He (Mr. C.) would not, for one, and he was sure whatever expressions might fall in debate, that the whole people would be ever found truly and devotedly loyal.¹⁴

MR. BERTHELOT did not rise for the purpose of answering all the points that had been alluded to by preceding speakers, but he would confine himself to one or two of the most important. A good deal had been said upon the subject of public opinion, and about its effects upon the Government, and some hon. gentlemen had attempted to shew that it would have no beneficial effects upon it, if placed within its influence. He (Mr. B.) could not agree in that opinion, and would endeavor to shew not only the necessity of it, but the advantages that would result from it. What was public opinion? The idea which it conveyed to our minds was a simple idea, but it would be better understood by using a practical illustration. Let them then suppose, that, instead of the Seat of Government being placed in this small town, it was placed in such a city as London, where a number of learned and influential men would be the witnesses of their proceedings; this would be public opinion making a strong impression upon them; and that its effects would be most beneficial none could doubt. The representatives of the people would feel themselves under the influence of a well informed public opinion - they would be in a place where they could derive valuable information upon any subject that came before the House - where they could consult libraries; and the most precious of all-

the living library of learned men. The hon. member for the city of Toronto had said that the faith of the Government was pledged for Kingston.¹⁵

((An hon. member:)) No, for Upper Canada.¹⁶

((MR. BERTHELOT continued:)) Well it made little difference which, for his argument. He would shew him to be in contradiction to himself. From what was said in the House it appeared that proposals had been made by the House of Assembly of Upper Canada to Lord Sydenham to have the Seat of Government retained in Upper Canada, but the hon. gentleman has himself said that the terms were refused - that Lord Sydenham would not grant the conditions. Now on such occasions as this we are forced to make suppositions to elicit the truth. The hon. gentlemen (sic) is a lawyer, and suppose he (Mr. B.) were his client, and went to him to draw out a Promissory note binding himself to pay \$100 without mentioning any time for payment, and that before he signed it a dispute arose about the time of payment, and that whilst they were making speeches upon the point of time, that the note was signed, without any conditions. This was precisely a case in point, and illustrated the absurd claims set up by those who affirmed that any such pledge had been given. He would now notice an argument that had been used by another gentleman very learned in political economy, (the member for North Lincoln,) that gentleman had told us that we were amply repaid for paying the debts of Upper Canada. Now he (Mr. Berthelot) would like that gentleman to dispel the cloud of self interest that seemed to obscure his mental vision, and point out to this House a single instance in which any man had ever got rich by paying another man's debts. (Loud laughter.) That hon. gentleman had said that Upper Canada was obliged to pay all the duties upon the goods that passed and repassed through our Canals. Now he would put the question to any Merchant, whether the duties so paid go out of his pocket, no, he takes good care that it falls upon the consumer. He regarded the Union of the two Provinces as the only way to preserve the country, and raise it to its true position. At first he had objected to the Union because he was afraid that the interest of the Lower Province would not be protected, but he had now, by experience, found that there was no cause for fear. He came now to another point of some importance. It must be supposed that Her Majesty's ministers in advising the Union had considered the question in all its bearings, and that they had looked at the elements out of which the Union had to be formed. He must consider then what Her Majesty had in view in uniting the Provinces, and that was evidently to promote a fusion between the two races, so that they might be united in heart, sentiment and affection. The great question was then how could this be consummated? In order to make this fusion, the parties must understand each other by means of language - and must be able to hold intercourse with one another. Now, was Kingston the place where the two parties could understand one another? Was it a town in Upper Canada where this fusion between the people of the Upper and Lower Province was likely to take place? No, but it was in Montreal, for there it was already made

to a great extent. In that city there was a population of 40,000 people living happily together, and so well acquainted with each others language, that no Englishman could be two minutes in the streets of Montreal without finding some one to direct him to the place of his destination. The place where the fusion of the two races had already taken place was in Montreal; and it was not difficult to see the intention of Her Majesty in sending the question back to be settled by this House. The Ministers of Great Britain were not ignorant that a decision had been come to against Kingston: and they wished to give it another chance. He did not wish to appeal to local feelings, but to be just; but he would ask what had been the opinion of this House when the question was last before it - a tremendous majority had decided against Kingston; that vote was already before the Imperial Government, and (sic) if hon. gentlemen gave a different vote now, they would see that Mr. So and So had before voted against Kingston, and now for it. - He would vote, therefore, for Montreal, as the place where justice would be done to both races; as the place where the Government would be under the influence of an enlightened public opinion, as the place where the intentions of the Imperial Government, in advising the Union, could be most successfully carried out-as the place which nature herself had pointed out, from her commercial importance, and from the extent of her population, as the best fitted for being the Metropolis of United Canada.¹⁷

MR. BLACK said the debate had been protracted to a great length, and conducted with great ability on both sides; and it was not likely much more could be said, nor that he could be able to command the attention of the House for any length of time, but he was desirous of offering a few remarks. He should vote in favor of the original motion, and against the amendment, and he should not give that vote because it involved the existence of the Government, nor would he vote against it, if it could be carried against them. He trusted they would put away party feeling, and although brought forward by the Government, still not vote on it as emanating from them, that they would give a vote, honestly, uninfluenced by party motives. The question had gone much out of its legitimate limits. If circumstances directly and indirectly, connected with it, would not be alluded to, the matter could be brought within a very small compass. Two reasons had been urged why a vote in favor of Kingston should be given - one that it was a condition of the Union, and the other the pledge of Lord Sydenham, that the Seat of Government should be retained within Upper Canada. But there was no condition. If so regarded, it should be shown that there were two parties to the contract. Such not being the case, the position could not be sustained. Then, as to Lord Sydenham's pledges, was there anything to be found in public documents substantiating a claim so ridiculous? Because it was to public documents they should refer. There was nothing but the Union Act, and if the British Government had been a party to any such pledge, the fulfilment would be found in that Act. Now, if referred to, it would be found there was nothing of the kind; they would find the prerogative studiously preserved, and it was said, should be exercised through its Representative in the Colony. True there were some limitations. The people had the control of the public expenditure, and the next thing was

to incur the necessary expenditure for the removal. In that way they exercised control. If the Queen thought proper to call them to meet where they were assembled, they could say they would not give the money for Kingston. In that way their control was exercised over the prerogative of fixing the Seat of Government. If it was a question where the Seat of Government should be placed, from early feelings and associations, connecting him with Quebec, he would not, perhaps, have voted for Montreal; that one or the other of those two places should be the Seat of Government, no impartial man could deny. Quebec was the ancient capital of the country. It was before and after the division of the Provinces, the capital; as a fortress it was second to none in the world; it was one of the greatest ports, and would, before many years, be the New York or the New Orleans of this Continent. There were other reasons; it was open to all sea-going vessels for a great portion of the year; and so long as the British power commanded the fortress of Quebec, so long would it hold this country. But he came not to that House to offer any new proposition; it was a question for the exercise of the Queen's prerogative to decide. It was true that over that exercise they possessed a control. The Seat of Government might have been fixed in Kingston, but he was not one of those who thought it would have been passively submitted to. He was not very pugnacious, but he did not possess that passive obedience which some hon. members seemed ready to exhibit. He would not quarrel with the Government that it had not included the city of Quebec, but still the Executive Government had brought the whole question to bear upon the selection of one or other of the two places named. In that position, he would say, there was no comparison between Kingston and Montreal. It was not necessary to enlarge upon this point, so much had already been said, but as to Kingston, it never had any claim; it was never fixed here. Some hon. gentlemen had spoken of the question as one of removal. Now to remove, it must first have been fixed here, and such an idea was never entertained. Look at the proceedings of that House in its first session. They had voted in favor of alternate Parliaments; and what did that mean? Why, that Kingston was not a proper place for the Seat of Government. Last session it was brought up again by the hon. member for Gaspé, in a constitutional manner, and a resolution was adopted declaring Kingston an unfit place, for certain reasons. That being the case, it was idle to say that Kingston had been fixed upon as the Seat of Government. He was satisfied that much which had been said was influenced by sectional feelings, which were peculiar to members of that House, but when they came to vote upon it, they should vote with reference to the general question, and with the idea of ameliorating the condition of the whole people. No measure was better calculated for that end than that which had been proposed; and thinking so, after careful consideration of all the grounds on one side and the other, and viewing it without party feelings, he thought Montreal must be fixed upon as the future capital of the country. They had been threatened with a dissolution of the Union. He was an ardent advocate of the Union: he thought, looking at the geographical position of the country, that Union was calculated to create a new era in the history of this country; but, however desirous he might be for the success of the Union, it was really

not worth preserving, if its existence was based on so trivial a foundation as the location of the Seat of Government in Quebec, Montreal, or Kingston. (Hear, hear.)¹⁸

MR. H. SMITH, JR. said that in addressing the House on this subject, he hoped that hon. members would give him credit for not being actuated by local or sectional feelings on the present occasion; and he was pleased to observe the dispassionate manner in which this question had been debated. Many hon. members had thought proper to compliment the hon. mover, the Attorney General West, for the ability displayed by him in the introduction of this question; but for his part, he had never seen him so deficient. Of all those who had spoken to the question, the speech of the hon. member for Niagara was, in his opinion, the most comprehensive and statesmanlike, and he fully concurred with that hon. gentleman in the sentiments expressed by him. There was one subject connected with this question on which only one hon. gentleman had spoken, - the hon. member for Lanark, - to which he would now take occasion to allude. He (Mr. S.) thought that the Capital of a Country should combine centrality and strength; and no place was more central, or possessed a stronger fortress and the natural means of defence, than Kingston. During the time that this country was attached to the French Crown, this place was selected by the Count de Frontenac as his strong hold in this part of the Province, and that nobleman fixed his head quarters at this place, under the name of Fort Frontenac; so that its strength was first noticed by the French long before the conquest of the Country by the British. But independent of the strength of the place by land, the waters of the River and Lake Ontario are sufficient to float the fleets of Great Britain, and a safe shelter was found for a large naval force within view of the building in which they were then sitting. He would ask the hon. gentleman who introduced this measure, could Montreal shew the same qualifications? He fearlessly asserted, it had neither the one nor the other. Many hon. gentlemen have stated that Kingston was rejected by a majority of this House; how was it rejected? because it had a two-fold majority over any other place? upon the same occasion only three votes were raised in that House in favor of Montreal! while 26 were recorded in favor of Kingston. If Kingston was rejected because it had only 26 votes, then Montreal was declared still more unfit, because it had only three votes - and it was a bad argument which would not work well both ways. The reasons which induced a majority to vote against Kingston on that occasion, were, that no one place was agreed upon and it had to contend against the feelings and prejudices of every other place in the Province. At the time of the Union he was not a member of Upper Canada, but, he could recollect perfectly well that the people of this part of the Province considered that the Union was passed on no other condition than that the Seat of Government should be retained within the limits of Upper Canada, and on that understanding the Union was carried. If evidence, and conclusive evidence of this fact was necessary, he would refer to the writings of the late Lord Sydenham, published since his decease. It is said that Lower Canada did not consent to the Union, but was not at the time fairly represented; he did not say to the

contrary of the assertion; but Upper Canada had a right to claim that she should be placed in the same position as she was before the Union, should any of the conditions on which the Union was carried, be violated. Strong arguments had been raised on the ground of the large population of Lower Canada. He would ask what would the population of Canada be in 20 years' time, and which section of the Province would possess the greatest number of Inhabitants? why Upper Canada most undoubtedly; because the whole tide of emigration flows Westward. The population of Montreal a city 200 years old, is estimated at 40,000; while that of Kingston a Town built within the last 50 years, with its environs, is estimated at little less than 17,000; and what had the people of Kingston done since the Seat of Government was established here? they had spent in improving the town and making accommodation for the increase of the inhabitants, upwards of half a million of pounds. Some hon. gentlemen have contended that the Government can, by a judicious purchase of property in Lower Canada, erect the public buildings, and afterwards dispose of a part at a rate sufficient to pay the original cost. He feared the scheme was far from practical. At Kingston the Government possessed quite sufficient land for all the purposes necessary for public buildings, and the last money paid from the public chest of the Province was by the late Lord Sydenham, for public property, was for a tract of land in sight of the building in which they were now legislating. An hon. gentleman had asked them to show any official Act of Lord Sydenham's to show that he intended Kingston to be the permanent Seat of Government. Was not the payment of a large sum of money out of the public chest for the purchase of property on which to erect Parliament Buildings, an act carrying with it an unanswerable argument? If public buildings were to be erected, a sum not far short of £ 100,000 would be required, the interest of which was £ 6000, £ 4,800 per annum more than the Country now paid for their offices and buildings at Kingston. One hon. gentleman said he had no fear of a repeal of the Union should the Seat of Government be removed to Lower Canada; he did not agree with that hon. gentleman; he asserted there would be a repeal, and he for one was prepared to vote for it. His constituents had taken a decided stand in this matter, and he now spoke their sentiments, as well as his own. He complained of the manner in which this debate had been introduced. The House asked for certain information and the Government furnish(ed) what the House never asked for and what they did not want. He should like to see the communication from the Executive Council of this country which induced the Colonial Secretary to send to this country a letter containing the information partly given in the Message now before the House; but the report which the House did not ask for, was incorrect; it was not true; it contained false statements. It asserts there are no funds in the treasury to pay the rent of the buildings at Kingston, when we are now called upon and asked to declare it expedient that the Seat of Government should be removed to Montreal, involving an expense of £ 1000,000. If the Government were afraid to ask for supplies to erect the public buildings at Kingston, he could assure the members of the Administration that, that question would be carried by a larger majority than the present; because the opponents of the present measure would more than compensate the loss of votes

which the Ministry would sustain in selecting Kingston to Montreal. The hon. Attorney General West had said in the opening of this debate, that he was an Upper Canadian, and felt as one; he wished he could think as the hon. gentleman did. If he felt as an Upper Canadian, why was he driven from Upper Canada to seek a constituency in Rimouski. (Hear, hear.) The hon. gentleman was an advocate for reform; could he go to a reform constituency in Upper Canada on this question? He, Mr. S. represented a County possessing a pretty good number of Reformers, and he would vacate his seat forthwith, and go to his constituency if the hon. gentleman would accompany him, and thereby test the opinion of his constituency, and his hon. friend the member for Lenox (sic) & Addington had authorized him to make the same proposal to the Attorney General West, and if he had been particularly anxious to know the sentiments of the electors of Hastings, an opportunity was lately offered, of which the hon. gentleman had not thought proper to avail himself. He (Mr. S.) considered there was but one way to determine the question, and that was to try the constituencies. He, for one, was ready to meet the electors of his County, and he felt fully satisfid (sic) of the result.¹⁹

MR. HOLMES rose and said he was not in the habit of occupying much of the time of the House, but upon the present question - he felt he could not give a silent vote, or forbear expressing his astonishment at the arguments and assertions of honorable members - assertions which he could not, would not credit - assertions addressed rather to our fears than to our understandings. First, it had been gravely asserted that a promise was given by the late Governor General, Lord Sydenham, when bringing about the Union - that within the bounds of the then Province of Upper Canada, should the Seat of Government be fixed - and now it is endeavored to stigmatize his memory with a breach of that promise. Why did not his Lordship remove the Seat of Government to Kingston - and if he did promise, did he not redeem that promise, - and where and when, he would ask, was it first mooted that Kingston was not a fit place for the Seat of Government - why by this House. Did not this House, by an overwhelming majority, clearly indicate where the Seat of Government ought to be placed; did it not distinctly say that Kingston was an unfit place; but that Lord Sydenham promised to fix it here has been denied. Such a promise was endeavored to be forced upon him; but he properly and distinctly rejected it; and why did he bring it here temporarily - to move it away from the influence of a faction in Toronto, who were hated by the people; and also to remove it from the influence of the French party in Lower Canada, to isolate, if I may say so, the Legislature. We also hear profession upon profession, made by hon. members of their high respect for the opinions of their French Canadian fellow-subjects, their confidence in those gentlemen and their paramount desire to awaken in their breasts a reliance upon their assertions; and yet on this as on other questions, the sayings and the votes of those gentlemen strangely stand in opposition. It is quite evident their votes are influenced by a feeling of distrust - a dread of complying with the wishes of this body, from a fear that additional influence will be thrown into the scale, which they unquestionably can and do

cause to preponderate in the Councils of the land. But the fears of these gentlemen rest upon a sandy foundation, as unstable as were, he hoped, other aspirations of the opposition; he meant that hope which leads them again to look for power, which he sincerely trusted would, like the baseless fabric of a vision, ere long, dissolve into thin air. There was, however, no cause whatever, to believe that the removal of the Seat of Government to Montreal would, in the least, be productive of the effect they fear, or rather profess to fear. The population of Montreal was now, he would undertake to say, full 50,000. He was aware that by the last census, taken by the Corporation, it was returned as something over 40,000; but the poorer and less informed classes were impressed with an idea that the census was taken with a view to Municipal taxation, and concealed their numbers; but assigning it to be but 40,000, of that number, 17,108 only, are of French origin - the 23,000, of British and Irish descent. Where then was to be found this dreaded French influence? But hon. members in the opposition mask their true fears; the great majority of both classes in Montreal are not of their party - they are of the Reform school - staunch advocates for a Government such as we possess - a Government of the people and for the people - a Responsible Government - a Government of the majority. That Montreal was naturally the Metropolis has been already clearly shewn. From that city the arm of the Government can best be stretched either for the protection of its friends, or repelling of its foes, and that has been demonstrated on more than one occasion. From the advantages it afforded; from its central position - its population - commerce, and accessibility to all, and at all seasons of the year - it pre-eminently claimed to be the Metropolis of Canada; and in justice to the inhabitants, not of the city, but of the whole Province; it should be where public opinion was capable of being expressed and brought to bear upon the representatives of the country with effect and with judgment. But there was another motive for the opposition to the removal contemplated - an under current was worked by a certain party who cannot abide the sliding away of power from their own hands - a party who long have, and still continue to arrogate to themselves not only exclusive loyalty, but the exclusive right to all the favor and honor, nay their vexation at the changes which within two years have taken place, has thrown them as much off their guard, as to have induced some to assert that they have a right to, and expect to be paid for their loyalty. The hon. member for Lincoln had said the cat will be let out of the bag yet, in the debate on the question, and the hon. member for Huron talked also of letting a cat out of the bag, and said the House might hunt her. The Solicitor General West also had a cat to let out - and throw back with interest on the opposition the sarcasms of the hon. member for Lennox and Addington. Now he (Mr. H.) could also let a cat out of the bag - to show how the opposition jumps. He could not see remarkably well, but his ears were tolerably acute, and he had discovered that the hon. gentlemen on the opposite side have striven to alarm the religious prejudices of the people.²⁰

Cries of "No, No," - "hear, hear."²¹

Yes, hon. gentlemen may cry no, no but he ((MR. HOLMES)) said yes, yes, - any argument, any effort to maintain their own exclusive views and power; by such insinuations a feeling has been created, a latent fear that the Roman Catholics of Lower Canada would undermine their influence, and wrest from them the weapon with which, hitherto, they had maintained the ascendancy - which in this section of the Province had been productive of so much evil. But those fears are in vain. He knew something of the French Canadians, and he said, and to their honor be it spoken - that in religious tolerance, and forbearance, in refraining from any endeavors at proselytism (sic), or interfering with their fellow-subjects on questions of religion - they were much more liberal - much more modest - and less inclined to controversy than any other religious denomination in the Province; and though they may, and doubtless do condemn the grasping disposition of the High Church party, they are not to be found arrayed, as are the great majority of the whole of the Protestant constituencies of Lower Canada, in opposition to a would-be Dominant Church; they leave that battle to be fought by those who are Protestants; therefore those gentlemen who may be influenced in their votes by their fears, might dismiss these fears, and take up the question as he hoped they would do, on purely political grounds, and vote (as he hoped they would) for Montreal, as being the place by nature pointed out as the Capital of United Canada. Now, before he sat down, he would say one word about the threatened dismemberment of the Province if the question were carried. His hon. friend for Northumberland had repudiated any belief - on the assertions made by those he on this occasion votes with - he ridicules the idea, and well he might - if the loyalty of hon. gentlemen who use this argument, hung on so slender a thread, it was hardly worth asking for or keeping; but he did not believe it, and tho' Lord Sydenham had been abused and was ill thought of by French Canadians, he believed the time would come when they would acknowledge that to him they owed a debt of gratitude; for had he not been our Governor, would we at this time, would we ever have had that form of Government we now possess - would we ever have escaped from the fetters of a selfish, tyrannical tory administration, such as that which ruled the Province, and drove it to anarchy and rebellion. - No, to that man do we owe what we now possess - a just and equitable and Constitutional Government.²²

MR. J. S. MACDONALD, before being called upon to give his vote on the question before the House, was desirous of giving some reasons in support of the views which he entertained in favor of Montreal. He trusted that for so doing, he should not be set down as a rebel (hear, hear, and laughter) yes: that was the fashionable word, if any independent member rose in his place to express views different from those entertained by a certain party in that House (continued laughter). The Union had been formed for the purpose of Anglifying Lower Canada and making it a British Province, of divesting it of any exclusive character and opening a door to British Capitalists. That object was being accomplished, not-

withstanding the cries of Constitutional Societies and others about French domination. That was a bug-bear which has been used, but he trusted it would prove unsuccessful. He felt that the Lower Canadians had a decided claim to the seat of government: they were not represented when it was fixed here, and he was not at all surprised at their opposition to its remaining here. He did not believe it ever was intended to fix the Seat of Government here; because if it was so intended, estimates for the necessary public buildings would have been sent down to that House. Montreal possessed advantages much superior to Kingston; it was the head of sea navigation, and the depot of the commerce of the country, added to which was the important consideration that it contained a large and mixed population. He would therefore vote for the original motion, introduced by the hon. Attorney General, and in so doing, he was satisfied that he would act in accordance with the feelings and interests of the people in that section of the country which he had the honor to represent in that House, any assertions which might be made to the contrary notwithstanding.²³

MR. NEILSON remarked that the question was not a colonial, it was an imperial question; and when Her Majesty had said the Seat of Government should be fixed at Montreal, it was not for them to come to a contrary decision. Nor had it been pretended on the part of the House to interfere with the prerogative. The question had already been before the House, and while declining to fix upon any place, they had solemnly declared Kingston unfit as a location for the Seat of Government. It was not only a prerogative of the Crown, but an important principle that where the Representative was, there was the Seat of Government. It could not be decided here, and he thought in the time which they had devoted to its discussion, they were paying for the British government, because it should never have been referred to this country. It might be said that it had been referred (sic) to their decision, but how? they were called upon to decide without a choice - to fix the Seat of Government at Montreal; as they had already said Kingston was not a proper place. The Crown had chosen Montreal, and only called upon them to vote the supplies. If left to them, they would have it in the Western District, at Toronto, Kingston, Montreal and Quebec, because every member seemed desirous to have it near his own door. They had seven different Governments on the south of them, and hon. gentlemen seemed desirous of following the example of their neighbors. He thought it would be well fixed at Montreal, and would leave it be so.²⁴

MR. JUDAH confessed he rose with much reluctance, as he had not yet addressed the house, but as the Representative of a French Canadian constituency, he felt called upon to offer some remarks upon a subject in which they were deeply interested; and in doing so, he thought he would express the opinions of the greater part of the people of Eastern Canada. It was the first time in which their vote, under a free constitution had been heard; there was a time in which that voice was not heard; and if they were not now taken into the account nor given any weight in the Government of the country, the claim, which had been advanced for Upper Canada was no doubt a right one, but if the reverse, then he saw no grounds

upon which such a claim could be set up; but independent of that he thought the members from Upper Canada should at least grant them something for that which they had yielded. He did not hesitate to say that the Union was considered with disgust by the people of Lower Canada; it was not brought about by the people, but by a party, hostile to the laws, the institutions and the language of Lower Canada; it was not therefore surprising that a measure advocated by such persons and with such views, was regarded with aversion by them. The hon. member for Lenox (sic) & Addington (Mr. Cartwright,) had forever fixed his character with the people of Lower Canada, and so long as he was a member of that House he could not expect to receive the support or the countenance of any member from that section of the Province. It appears that when in the Legislature of U. Canada he endeavored, not only to deprive the people of Lower Canada of the use of their language, but he had the audacity-²⁵

"Order! Order!" The Speaker ((MR. CUVILLIER)) called the hon. gentleman to order; such language could not be permitted to be addressed by one hon. member of the House to another.²⁶

Well, if he ((MR. JUDAH)) had used a strong term, he could not forbear characterizing his conduct on that occasion (repeated cries of "order, order," which interrupted the sentence.) The introduction of that measure has entitled the hon. member for Lenox (sic) & Addington to the sovereign contempt of the whole French population of Lower Canada. (Hear, hear, hear.) That gentleman, supported by his friends had proposed a measure for the introduction not only into the legislation, but into the Courts of Law, of the English language. It would be seen that by that measure they were to be divested of that language which they had used since the conquest. Now, that would show the real feelings of those gentlemen towards the people of Lower Canada. That was at a time when it was never supposed for a moment that those who were then oppressed would one day be placed in the possession of power. The hon. member from Beauharnois had stated that the hon. Attorney General East (Mr. Lafontaine) was all-powerful in that House; he did not deny it; and why? because the people of Lower Canada had unlimited confidence in him, and would have it, so long as his future conduct would prove the same as his past. But it was a wrong idea to suppose that they were led by that hon. gentleman; they were glad to follow him, and would do so while he deserved so well of his fellow countrymen as he had done. This reason ought to weigh with the Reformers of Upper Canada. He would ask them, if they refused to the Lower Canadians the Seat of Government, could they expect their co-operation, or assistance in those schemes for the encouragement of emigration to which they looked as the means of settlement and improvement of their section of the country, but which would have the effect of introducing a people hostile to the habits, laws and language of Lower Canada? He did not hesitate to say such schemes were not viewed with much favor by French Canadians; they were not likely to adopt anything for their self-destruction. (Hear, hear.) Although not a French Canadian himself, yet he would not disguise the fact that he felt as a French Canadian; that he loved the people of Lower Canada; their

customs, their habits and their institutions; that his knowledge of law, was chiefly confined to their laws; and he would be the last individual to assist emigration. Still, if fairly treated by the representatives of Upper Canada, he would not offer any opposition to emigration to the western section of the Province; but if they would not yield that which they now claimed, it would be considered as a declaration of war. (Hear, hear.) Some, perhaps, would derive a benefit from such a declaration, but he would not withhold it. He would, then, call upon his brother Reformers of Upper Canada to grant what they of Lower Canada were entitled to - perhaps not exactly entitled - but some very good reasons could be urged in support of their claim. In Lower Canada there were 500,000 of the inhabitants who spoke the French language, very few of whom even understood English. In the county which he had the honor to represent, he did not believe there were fifteen persons who could speak the English language. What situation would they be placed in, coming to Kingston? Why, he did not believe they could find their way here without being led. (Hear, hear.) A capital was intended not only for legislation, but for the purposes of Executive Government, and there was not a day in which there was not business transacted with the government by parties from various parts of the country. These reasons were to be weighed, and it was for them to decide, whether what had been asked for would be granted or not. If ever driven to the necessity of calling for a dissolution (sic) of the Union, they (sic) people of Lower Canada would not be to blame; they would be forced into it by the injustice committed (sic) and continued if the Seat of Government was withheld from them by Upper Canada. It may, perhaps, be thought that such a measure would be looked upon with alarm, but he could state it would be favorably viewed by the Lower Canadians. (Hear.) They had never asked for the Union; it was forced upon them. He might be told that without it they will not have Responsible Government in Lower Canada; but the events of 1836 had proved that no other Government could be carried on. Whatever were the consequences, however, the decision of the present question was a matter of life and death to the people of Eastern Canada, and it was for their brethren of the Western section of the Province to decide whether they would withhold or grant them the Seat of Government.²⁷

MR. DERBISHIRE said he concurred in the regret expressed by so many persons that this question had been referred to the settlement of the Canadian Legislature instead of being decided by the exercise of the Royal Prerogative, to which it of right belonged. He regretted also that, being submitted to them, the question was so narrowed that all but two places were excluded from their choice. The House would perfectly understand that he was interested for another place, - the place which he had the honor to represent, and which in the opinion of some of the first minds in this Province and at home, was the most fit and proper position for the Capital of this great and growing Country. He was sorry that Bytown had not its legitimate chance in this matter, being convinced that if fairly weighed in the scales of wisdom, of that far seeing wisdom that looked beyond present circumstances into the futurity of the Country,

the claims of that locality would outweigh all others. What could be more favorable than the circumstances connected with that position? It was in the very heart of the Country. It stood upon a commanding and impregnable height, bidding defiance, as well from its interior position as well as from its local military advantages to all idea of foreign aggression. And it was seated, moreover, upon the broad navigable waters of the Ottawa, a stream wholly Canadian from its source to its mouth, washing no foreign soil and owing no divided allegiance. That House was, however, excluded from the consideration of these advantages, which in his opinion were of so marked and decisive a character that whatever now became of the question, the ultimate, permanent, Capital of the Country would be fixed in Bytown. He had to determine now whether he would give his vote for Kingston or Montreal. His honorable friend the Member for Carlton (Mr. Johnston) had told the House that if he (Mr. D.) gave the preference to Montreal over Kingston he would vote against the wishes of his Constituents and forfeit their confidence. He was happy to say that there was a better understanding between his Constituents and himself. Confiding as he believed they did in his watchful and earnest desire to promote what he conceived to be the interests of the place he represented, they did him the honor also to confide somewhat in his judgment on certain questions. Upon this question they had given him no instructions, but he had not waited for that, but taken some pains to ascertain what the feeling of the inhabitants was. He had letters in his possession stating that although they would prefer Bytown, of course, before all other places for the seat of Government, yet if left to choose between Kingston and Montreal, the latter would seem preferable. This was expressly stated to him as well by his political friends there, as by some who had been the most active of his political opponents, in favor of his honorable friend the present Member for Russell (Mr. Stewart); and they declared this remedy not only to be their own individual opinion, but the opinion of the inhabitants so far as they knew. Nor had one solitary opinion to the contrary been addressed to him from that quarter upon the subject. He confessed he was the more surprised at the statement made the other day by his honorable friend from Carlton, because that honorable gentleman had recently escaped from his Legislative labours upon the floor of that House, and made a trip to Bytown, and he (Mr. D.) supposed that he would have hardly passed through the place without taking some means to ascertain the sense of the people upon a question in which he himself took so strong an interest.²⁸

MR. JOHNSTON insisted upon calling the Honorable Member to order. He had done nothing of the kind. The Member for Bytown had no such letters. If he had they were falsehoods.²⁹

The speaker ((MR. CUVILLIER)), who had risen with Mr. Johnston, and had in vain endeavoured to restrain him amidst loud calls to "order" from all parts of the House, at length told him he should be compelled to name him as disorderly if he did not resume his seat. The time for explanation, he said, was after an hon. Member had concluded his speech. No member was

to be interrupted while speaking.³⁰

MR. DERBISHIRE said that so far as he was concerned he would have gladly heard the explanation of the hon. Member for Carlton. He should assume that he had not when lately in Bytown taken any steps to ascertain the sentiments of the inhabitants upon this subject; and that being the case he could not be so well entitled to state what their sentiments were as he (Mr. D.) who had held correspondence with them. He could, at all events, state to the House that an attempt had been made by some very respectable persons in Bytown, to get signatures to a requisition to the Sheriff, to call a meeting for the purpose of passing resolutions in favour of keeping the Seat of Government in Upper Canada, but they found opinion too strong against them and abandoned the attempt. Under these circumstances he was as satisfied that his vote for Montreal would not be displacing to his constituents as he was convinced that as between that City and Kingston it was the one from which all Ottawa interests, and Bytown was on (sic) Ottawa Town, would be infinitely best promoted. He should indeed be surprised to learn that it was the deliberate opinion of his constituents that the Seat of Government upon the banks of the St. Lawrence would be better for their interests than in Montreal, at the mouth of the great River Ottawa. The Ottawa had never gained much from the St. Lawrence interests; and she would have a better chance from Montreal, whose interests were in a great measure identical with her own. He could easily prove this if there existed any rational ground of doubt upon the subject. It was, besides, a consideration that among his constituents were not fewer than three thousand Lower Canadian French; and was it supposable that they would join in the outcry now rife against placing the Seat of Government among that portion of the population with whom were all their sympathies? What were the grounds of the opposition made to the removal of the Government to Montreal? The honourable member, his honourable friend, the member for Kingston, had brought before the House an amendment to the effect that the question should be referred back to the Imperial Government for the final decision of the Queen. Her Majesty had already declined to exercise Her Prerogative right in this matter, further than simply to negative all places but two, which Her Majesty named, and upon which she requested the assistance and mature judgment of the Canadian Legislature. When the Crown had thus submitted to that House the difficulty under which it laboured, the House was bound to answer the appeal. It would be unworthy of that House, or of any Representative Assembly, to bandy a question of this grave nature, sent to them, too, by so exalted and grave an authority, backwards and forwards in the manner proposed in the Amendment of his hon. friend the member for Kingston. Nor would it, he was persuaded, be effectual, if such a course were followed; for in what better position would it put the Crown? The Crown was unable to conquer the difficulties of this question, and sent it across the Atlantic for the consideration of those who were on the spot, and familiar with all the circumstances which must govern the decision. Would it increase the confidence of the Crown in ... our opinion - would it hasten or retard its decision to say that that House with all its

knowledge of the wants of the country, yet found the difficulties too great to be able to come to a decision? The result would assuredly be that the Crown would again refuse to decide, and send them back, as a Judge sent back a Jury, who also found a difficulty to agree upon their verdict, promising to give it effect as soon as rendered. But there was another consideration which he thought conclusive against the amendment of the honourable member for Kingston. It was this: - The other Chamber, the Legislative Council, as they knew by an examination of their journals, had actually already passed judgment upon this question. They had addressed the Queen advising Her Majesty of their opinion as to the place in which the Seat of Government should be located. Now, if one of two Chambers was able to come to a decision, and the other was not, and declared itself incompetent, it would naturally be set aside, and the opinion actually given would be acted upon. Thus, by refusing to decide, as proposed by the honourable (sic) member for Kingston, that House would be abdicating its functions, and surrendering its rights into the keeping of the other branch of the Legislature. The only other proposition before the House was that originating with the honourable member for Niagara (Mr. J.H. Boulton,) for alternately placing the Seat of Government in each section of the Province. The question they had to deal with was the question of a union, in which there were two suitors for the object desired. He was afraid that sort of half and half possession proposed by the honorable and learned member for Niagara would give satisfaction to none. He thought the House was bound to give a categorical answer to the question propounded to it. Some of his reasons for voting in favour of Montreal he had already stated. Upon the last occasion he had voted for Kingston, but the circumstances were very different. At that time, the Lower Canadian party were opposed to the government and opposed to the union. It was the avowed object of their policy to defeat the union, and render it a nullity. They had since fully explained in that house and elsewhere the grounds of their opposition to a measure under which their party was excluded from all participation in political power. Circumstances were now altered. The same party had embraced the Union; and he was sure they were sincere. They offered to make it a Union in substance and reality as it was in name, and to make it a Union of hearts and interests. He thought the offer was one that should upon no account be rejected; for it gave the first fair promise of governing this country in harmony and prosperity that had offered for more than a quarter of a century. He was therefore now waiting to see the Seat of Government placed in Montreal, where it would be surrounded by friends to that Union which it was its chief object to cement and render useful to the Country, and for precisely the same reason, viz: attachment to the Union, which made him averse to its going where from the state of political parties at the time, it would have been surrounded by enemies. He regretted the losses and inconvenience that would fall upon Kingston by the removal of the Seat of Government, but private and local interests must yield to the general good. On the other hand he participated in none of those alarms that interested motives were at work to propagate on the score of French ascendancy in the Government upon its removal to Lower Canada. He looked

upon that as a most senseless cry. The Lower Canadian French had no thoughts of conquest over the British race, and it was very Anti-British to fear either it or them. What many designing persons had described, and what many well meaning persons had mistaken for a struggle for ascendancy, was only a struggle for equality, for the equal rights belonging to freemen, and guaranteed to British subjects as well in Canada as in Jamaica, by the British Constitution. That struggle was ended, and would not be renewed. Was it conceivable that half a million of Frenchmen were going to conquer the whole Anglo-Saxon race upon the vast continent of America? Yet that was the proposition of those who affected to fear French ascendancy! But, in either case, whether they were to meet them as friends or foes it would be the most British as well as the most politic course to meet them on their own ground.³¹

MR. CHESLEY remarked that the hon. member for Champlain (M. Judah) had delivered himself in language that could not fail to be understood by the British inhabitants of the Province. Threats of a disruption of the Union, and of a resistance to Emigration on the part of the people of Lower Canada were conspicuous in that hon. gentleman's remarks; and they should have a tendency to place Upper Canada members on their guard. With respect to the location of the Seat of Government, if he consulted his own convenience and interest, he would vote for Montreal, but when as a member of that House he was bound to prefer general to sectional interests, the public advantage to private convenience, he felt no hesitation in opposing the removal of the Seat of Government to Montreal. The feeling on the part of those who wished for the removal was not sectional, or local, nor did it arise from regarding the question as one of mere convenience, but it was political, national. He did not say this offensively but because he saw plainly these were the true motives. (Hear, hear.) When he said this, however, he would admit that he had that feeling, that attachment to the institutions of Britain, which would not allow him, though not of British descent, to consent to any measure which would place others in the ascendancy. He felt that the removal to Montreal would have that effect, and he would therefore oppose it. It was, in his opinion, a new doctrine that you should go to London to learn French and seek Paris to obtain a knowledge of the English language, and that you should seek in the midst of a French population that knowledge and that attachment to British laws and institutions, which you say you cannot find amongst an intelligent British population. Already had it been admitted on all hands that in the administration of public affairs, the French Canadians had the largest share of power: however unpalatable such a fact might be to an Englishman, they were not disposed to respect his prejudices by resting satisfied with what had been gained; they must go still farther; and having the Government now under their control, must remove the Seat of Government to Montreal, for the avowed purpose of bringing it under the influence of the species of public opinion to be found in that city, and thus maintain their power, against the interference of Upper Canada. He hoped, therefore, hon. gentlemen from Upper Canada at least would unite to prevent such a consumation.³²

MR. WILLIAMS was apprehensive of serious consequences to the Union from the adoption of the measure proposed by the Government. He regretted deeply that her Majesty had not at once decided the question, and on the present occasion, he would vote for the motion of reference.³³

MR. BOULTON said he desired to make a few observations upon what had fallen from some hon. members in reference to the question before the House. In the first place, the hon. Inspector General, who was the first to address the house on that side after the motion in amendment was made by his hon. friend the member for Kingston, had said the House would stultify itself in passing a resolution declaring it was incapable of deciding on a question which had been referred to it. Now, to relieve himself, and other hon. members from such an imputation, in recording their votes in favor of that amendment, he was desirous of showing the reason why it was perfectly right to express all that was contained in that resolution. It could not be denied that we are parties interested - politically as well as locally - and the members from Upper Canada will vote against the original motion, as taking a course adverse to the best interests of the country, with the exception of a few who might be induced to vote otherwise, for reasons which ought not to be attributed to them here. The same observation will not apply to the Imperial Government, as the question could be decided by that authority with perfect freedom from those interests which are so conflicting and so powerful in this country. The hon. and venerable member for Richilieu (sic) had not attempted to refute the arguments which he (Mr. B.) had advanced, nor had any single member attempted to set aside the statistical facts which he had brought to bear upon the question. The hon. member for Richilieu (sic), instead of confining himself to argument, sought to take up some of his (Mr. B.'s) badinage, and instead of attacking him in his strongholds, essayed to cut off his flanks. But what was really the argument which had been used by his hon. friends from Lower Canada, in favor of a removal? Why that when addressing the house in their own language they cannot be understood, and that their attempts to speak English had been sneered at. He did think no member of that house had shown so little courtesy: while every one of them spoke English much better than it was possible for the English members to speak the French language. Why, the honorable member for Kamouraska (Mr. Berthelot,) whom he (Mr. B.) really thought unable to ask for the necessaries of life at his hotel, had addressed the House in good plain English, and he was delighted to hear him advance some of the best arguments which had been used, and which all were gratified in listening to. He did not know of any disrespect; the brusquerie of the Englishman might seem strange to the natural politeness of the Frenchman; but he could assure them nothing slighting or disrespectful, in the least degree, was intended. But does the hon. member for Richelieu mean, by its being inconvenient to meet here in consequence of his language not being understood, that it is desirable to remove to a place in which it will be understood? That evidently is the only conclusion to be drawn. Would they be better understood by the members of that House in Montreal than in Kingston? That surely would not be argued. Then by whom were they to be understood? he would tell

the House - by those behind the bar. - (Hear, hear, hear.) Yes; those behind the bar are to be addressed for the purpose of creating that "public opinion," which is to swamp the actions of the House. That is it. That is the sore place, though it may not be proper to call it so. (Hear, hear.) - What is the object of making speeches upon the floor of the House? Not for personal gratification: he did not do so, (a laugh) for it was too much trouble. He was representing those who had sent him there, and they had a right to be heard. It was the object of their discussion to remove misapprehension, to bring about a fusion of ideas, and thus to enable them to unite, as far as possible, in adopting measures for the public good. If those hon. gentlemen intend constantly addressing the House in French, they will not attain the object of their desire, which ought to be the convincing of those whom they ought to convince - the members of that House. The intention of using the French language had come out, he thought, inadvertently; as had before been said, they had let the cat out of the bag. It did not require so plain an admission, however, to enable him to understand the real motive, because it was seen that the object of going to a large place, in the midst of a Lower Canadian population, that it was desirable to bring to bear upon the Legislature the influence of that great "public opinion." (Hear, hear.) That was one reason why he deprecated the removal of their legislature to Montreal, to be overawed by a Lower Canadian bar. How could it be possible that under such circumstances the public opinion of Upper Canada could be heard, when so far removed from it. The population of Montreal was not, he confessed, exclusively French Canadians: but the hon. gentleman from Champlain had the frankness to confess, that although not a French Canadian himself, he had all the feelings of a French Canadian, that all his prejudices, his views, his wishes, his knowledge of law, were all French Canadian, and that such was the case with a great portion of the inhabitants of British descent in Lower Canada; and from this reason, he (Mr. B.) declared that if there was not a French Canadian in Lower Canada, but that the people were all from his own county in England, he would vote as he intended to do now; because, said the hon. gentleman, those feelings are opposed to the feelings and to the interests of the farmers of Upper Canada, (hear, hear,) the bone and the marrow, the sinew and the strength of the country. The farmer was the base, the merchant the apex; you may have the first without the second, but you cannot have the second without the first; and the "public opinion" of Montreal is just that very "public opinion" which the farmers of Upper Canada do not desire; and they would have just reason to fear that if the Seat of Government was removed to Montreal, many of their representatives might be forced by clamor to support things which did not meet the general interests of the Province. The hon. member for Beauharnois had complimented him, (Mr. B.) but in so doing had placed a sore hit on his back: he had imputed to him (Mr. B.) republicanism, because he had sought his parallels in the United States; but he was no more a republican than - who should he say? - the Duke of Wellington himself: nevertheless that he was a great stickler for the rights of the democratic branch, he was also for the prerogatives of the Crown, believing as he did, that the Crown held its prerogatives ((f))or the benefit of the people, and that

without their existence the liberty of the people would not be safe; but no republicanism, nor anything approaching to it, ever crossed his mind. He was told he had argued the question as a native of the adjoining Republic: he did not do so; and if the hon. gentleman thought he (Mr. Boulton) had advocated the view he had taken as a delegate of the people of one Town or County, and not upon general principles, he entirely, *toto caelo*, misrepresents his (Mr. B's) thoughts and feelings. He a delegate? No, he represented Rimouski and Sandwich as much as Niagara; and while a member of that House would no more inflict injury on any persons in Lower Canada than in Upper Canada. He had treated the question as if the country was inhabited by Englishmen, Irishmen, and Scotchmen, and that was why he was in favor of fixing it in the West. The hon. gentleman spoke of the great area to the northward yet unsettled and capable of supplying the wants of eight millions of people. If it was such a country as the hon. gentleman had described it to be, why was it not settled? why was it that emigrants were at so much trouble and expense to get westward, if there was such a paradise in the Saguenay? The hon. gentleman had said, take Montreal: that is the proper place: No doubt in his estimation it was: that hon. gentleman represented the adjoining county of Beauharnois, and he did not blame him for his opinion, it was all right; but he (Mr. W.) could not expect the House to accept as valid arguments, considerations arising from local and interested feelings; and with respect to the radius of which he spoke, it would be found that ((it)) comprized a large portion of the neighboring States. (Hear.) The hon. Gentleman had not attempted to refute his (Mr. B.'s) leading arguments, but had confined himself to trifling objections. He spoke of Montreal as a large city, in which was concentrated public opinion, and then asks who ever heard of going into a village among the pigs and cows, to look for public opinion - something too absurd to require any answer; the thing would answer itself; put the pigs against the cows, and there was an end of it. This trifling with the case would not answer the end sought to be attained. It was useless to talk about large cities, and the existence of public opinion, in particular places, and then refer to the old countries of Europe for example, to sustain the argument - to countries independent of each other and having in addition to domestic management, external relations to maintain. Our situation was the same as that of the neighbouring States; they have their own local affairs to manage: no relations with foreign powers to sustain; and we are in the same position. The hon. gentleman had argued that because the Government was monarchical, the Executive must carry on the business of the country. Did not the very same apply to New York, where it was carried on to a much greater extent? Decidedly it did. Therefore the hon. gentleman's argument fails. He did not desire to go into the subject of pledges; enough had already been said, and he should no longer detain the House.³⁴

((MESSRS. AYLWIN, TURCOTTE and DEWITT also spoke.))³⁵

COLONEL PRINCE rose and said, that after so prolonged a debate, and after the able Speeches which had been delivered, and especially after those of the learned members from Niagara and Toronto, which had shewn

the case in all its bearings; he did not intend to detain the House for any length of time - nor did he rise in the expectation of making one single convert to his views, because hon. members well knew that their minds have long been made up, and neither the eloquence nor wisdom of ages past from Demosthenes to Chatham, nor the oratory of modern times would if brought to bear upon the subject, change the fixed opinions of this House. But there appeared to him to be one point which had escaped all those hon. members who preceded him in the debate; and that was the peculiar claim which he thought Kingston had to retain the Seat of Government. That great statesman, the late Lord Sydenham, chose her in preference to other towns, and there he placed the Seat of Government and there he meant it should remain. That is evident from his correspondence, and his intention was confirmed by a despatch from the Nobleman now at the head of the Colonial department. Is there then nothing due to the memory of that departed statesman? Have not our fellow subjects in this town peculiar, nay the strongest claims upon this House to confirm to them, as far as we can confirm it, the great and to them the almost inestimable boon which, after mature deliberation, Lord Sydenham conferred upon them? Possessed as they were, and as they thought and justly thought, firmly and uninterruptedly possessed of the Metropolis of Canada, many of them expended their all in spirited investments; and although it had been said elsewhere - most wantonly most ungenerously and most unnecessarily said, that Kingston is "an unimproved and unimprovable place," he would remind the House that those who have eyes to see cannot but admit that her citizens have within the last 2 years shewn an enterprize and spirit not surpassed by any other people on this continent, and that handsome and commodious buildings have risen up throughout her whole width and length and space which afford accommodation and comfort and convenience (sic) of the best description. And, why were these investments made, and why this capital expended? Because the acts of a former Governor, the representative of our gracious Queen led them naturally to think that here the Seat of Government was fixed, and that here it would remain, (hear, hear, hear.) He (Colonel Prince) considered the inhabitants of Kingston to have almost a vested right in the premises in question, and he for one would not disturb that right but would vote for its remaining with them. If deprived of it, what compensation can we make them? none - none whatever; and he had too old fashioned notions of Law and Justice to admit that private rights should give way even to public interests without ample compensation being made to those whose rights were wrested from them. Then why disturb those rights, why wantonly attack their local interests? As regards the amendment of the honorable member (Mr. Harrison) for referring the question back to England he, (Col. P.) should vote against it, and for this simple reason, that he wished to see the question settled and the public excitement quelled without delay - moreover, it would embarrass the government at home to remit it back to them, and would imply a want of confidence in ourselves and an imbecility of purpose which would, he thought, degrade us. And for reasons ably demonstrated by many honorable and learned members during the debate and in accordance with his own feelings and opinion on the subject - an opinion

which he doubted not his constituents in the far West would sanction and approve of - he felt himself constrained to vote against the first Resolution introduced by his honorable and learned friend the Attorney General (West) for removing the Seat of Government to Montreal - as an Upper Canadian he protested against its leaving Upper Canada (hear, hear, hear;) and he would now emphatically call upon the honorable members from Lower Canada to pause before they voted for the Resolution in favor of Montreal. It would as he thought, be an act of political suicide on their parts to do so. True it is, that if Montreal be selected she would increase four fold or perhaps ten fold in extent and fifty fold in Population. But of what sort of Population, he would ask? of Canadians - of French Canadians? No - it would be the wealth of Britain and British people and British influence and wealth and people would assuredly, come when it may (and he designed not to speak offensively) cause the present Population to recede before it, and would swamp their numbers, their laws, their institutions, and their language, and reduce them to the condition of a race that was but which ere long must be almost entirely extinguished should the measure pass, (hear, hear.)³⁶

MR. PRICE stated that he was at no time desirous of trespassing upon the time and patience of the House, and that now it would be in bad taste to do so after the long and able debate which had engaged its attention for the last two days. He had risen at least 20 times that day to address the Chair, but had never been so fortunate as to catch the Speaker's eye. On that occasion he had a strong desire to state his views, and he thought it due to himself and to the District from whence he came to state his reasons for the vote he intended to give that night, but at that late hour and after the complete exhaustion of the House and the subject, it would be presumption in him to do so. He had risen, however, in consequence of what had fallen from the hon. and learned member from the City of Toronto, who had stated that a reaction on this important subject had come over the public mind, and that his hon. friend the other member for that city was voting in opposition to the wishes of his constituents. He, Mr. Price, knew something of the public mind in Toronto as well as the hon. and learned member, and he could assure the House that no change whatever had taken place there with regard to the removal of the Seat of Government, three fourths of the citizens were still desirous of removing it to Montreal, yet he believed that whilst the power of the corporation remained in the hands that now held it, the hon. and learned member need be under no apprehension of the next Election, even with his vote recorded on this question in opposition to the wishes of his constituents. He, Mr. Price, had intended fully to have expressed his own views on the question before the House, but he could not forget that the Speaker had remained in the Chair twelve hours that day without once leaving it, and that the House was impatient for the question - he would, however, trespass so far as to give the leading points upon which he had intended to have founded his remarks. It had been frequently denied in that House that the question was a political one, he had always viewed it as such, and no argument could be brought to convince him to the contrary. Many hon. members

have denied to the House the right of Legislating upon the subject, upon the ground that it is purely a prerogative question, and that the House has no right to interfere with the prerogative of the Crown. He (Mr. Price) looked upon the prerogative of the Crown as a sacred trust held by the Sovereign as a security for the rights and liberties of the people, and that to deprive the Crown of its prerogative, was to destroy the constitutional rights of the people; but the present subject did not, in the remotest degree, interfere with the Sovereign's rights. - The House had simply been asked to express an opinion upon a matter that interests the whole community, and it was in duty bound to express to the Sovereign that opinion, and leave the final decision of the question to the Crown itself. It is of the most vital importance that this disheartening question should be put at rest for ever; and he was prepared to show that the Ministers had acted wisely and firmly by making it a Cabinet question; he knew full well that the hon. and gallant Knight was of that opinion; but it did not suit his party tactics to admit it - he was too good a political leader to throw a chance away. The Government was bound to bring all its strength in order to carry the question with as large a majority as possible, and they had come down to that House backed by all their strength to carry the measure triumphantly, for by it they were prepared to stand or fall; any other course would have been fatal to the measure and the Ministers. The course taken during the last Session of Parliament had fully shewn that to leave it an open question would be to leave it unsettled forever. He had intended to shew to the House that Upper Canada, before the Union, was distracted, discontented, powerless, prostrate and bankrupt. That her Legislative Assembly was powerful to do evil, but powerless to do good. The Province was ruled by an irresponsible oligarchy - who had a Legislative Council at their command, always ready to thwart the good measures of the people's House. That they had unconstitutionally established 57 Rectories - kept the country in perpetual excitement by unjustly attempting to set apart 1-7th of the lands as an endowment for their favored Church, in opposition to the opinion of every House of Assembly that ever sat in Upper Canada. The whole revenues of the country were at the mercy of an irresponsible Government, and that when the House of Assembly passed the supplies (sic), amounting to about £ 7000, the whole community was distracted in consequence, by that very Government. That that Government had, in numerous instances, caused the Royal prerogative to be exercised unjustly and unconstitutionally, all of which he was prepared to state. That the Union had established peace and prosperity to the land - restored public confidence in the public creditor - raised the moral power and character of the people, and had given an impetus to our public works - that by it the country had at length the British Constitution established in its purity, or the power to make it so, without a State Church or a standing army, with no powerful Aristocracy or National Debt, with neither Tithes or Poor Laws - and it had, in consequence, become the most important and the most powerful of the British dependencies. To Lower Canada is the country indebted for its present enviable and exalted state. That the Seat of Government was not a matter of importance to the country gener-

ally, but only to certain localities. That in all the British Colonies the capitals were invariably at the extremities, such is the case with Calcutta, Madras and Bengal, in the East Indies, Kingston in Jamaica, Halifax in Nova Scotia, Cape Town in Africa, and Sydney in New South Wales, with many others. That Montreal was at a point where both sections of the country united - contained a mixed population - had a public opinion, without which a Constitutional Government would relapse into a tyranny, and the people become politically powerless - that it was at the head of the sea and at the foot of our internal navigation - had converse with the whole world - and that it was due to Lower Canada, to whom we owed all our present greatness - and that it would be the means and the only means of cementing the Union - staying agitation and of securing peace, prosperity and happiness to the country. The hon. member was proceeding to state the various topics upon which he had intended to address the House, when he suddenly apologised and resumed his seat.³⁷

The cry of "question, question," was now so generally made, that the Speaker ((MR. CUVILLIER)) directed the members to be called in for a division.³⁸

(89)

And the question of amendment being put, upon the said amendment, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Messieurs BOSWELL, BOULTON, CAMERON, CARTWRIGHT, CHESLEY, COOK, DUGGAN, DUNLOP, FORBES, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, MORRIS, POWELL, ROBLIN, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, THOMPSON, THORBURN, WATTS, WILLIAMS, and WOODS.--(29)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. MCDONALD, J.S. MACDONALD, MOORE, MORIN, NEILSON, PAPINEAU, PARKE, PRICE, PRINCE, QUESNEL, SIMPSON, SMALL, TACHE, TASCHEREAU, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(50.)

So it passed in the Negative.

Mr. Thorburn moved an amendment to the main motion, seconded by the Honourable Mr. Harrison, that all the words after "That" in the said motion, be struck out, and the following substituted:--"It is the opinion of this House, that for the present, Kingston is a proper and suitable place for the site of the Provincial Government."³⁹

MR. CARTWRIGHT said he should not have troubled the House with any further observations after the lengthy remarks he had already made; but he could not permit the speech of the member from Champlain to pass without reply. That member had stated it had been the first time he ventured to address the House, and it would have been as well if he had remained silent. If that member could not enter into a discussion without exhibiting the petulance he had that day displayed he had better be dumb. He was at a loss to account for the attack which the hon. member had made on him individually (sic). He had sought him out as the pillar on which to vent all his indignation, and he had crowned the whole by stating that he held his sovereign in contempt. He would assure the hon. member from Champlain that if what he had seen of him in the course of that debate was an evidence of his principles it was a matter of very little consequence whether he had the contempt or respect of that gentleman, indeed he thought the former preferable. He would never condescend or would his constituents to enquire what was the opinion of the member of Champlain, and they would be equally indifferent to his praise or dispraise. That hon. member had ventured to state that there was no Lower Canadian member who would ever view him in any other light but that of an enemy. He did not believe that his fellow subjects of Lower Canada would or could look upon him as an enemy. He had done, nothing more as a member of Upper Canada than they were endeavoring to do as members of Lower Canada. At the time to which reference has been made, he was a member of Upper Canada and as such endeavored to obtain the best terms he could for his native Province. He was opposed to the Union, and would any member of Lower Canada find fault with him for doing that for Upper Canada which they to a man were endeavoring (sic) to get for Lower Canada. He had not hesitated to avow them; but when he thought he had been mistaken he had not shrunk from admitting his error during the first session. He was never ashamed of acknowledging an error; what was it but assuring them that he had attained more knowledge than he before possessed. Did his Lower Canada fellow subjects find fault with this acknowledgement? He did not think there was one who would indorse (sic) the opinions of the member from Champlain. Would they quarrel with him for being at one time laboring under an erroneous impression because he admitted that he was in error? No! He felt they would adopt the language of Burke, "that he reproached his Maker who quarrelled with the imperfections of human nature." But he felt that his Lower Canadian fellow subjects had no right to entertain any feelings of hostility to him. He could claim at their hands anything but sentiments of that nature. Had he not on a memorable occasion as far back as May 1842, in being offered a seat in the council and the solicitor generalship of Upper Canada declined the office, and did he not then avail himself of the opportunity of stating his desire that that large portion of his brethren of Lower Canada should be represented in that Council, and have the legitimate influence in the Government of the Country and the injustice of excluding them if they were to have a representative form of Government. He at the same time pointed out the injustice which had been done in cutting off the suburbs from Montreal and Quebec. His opinion was before the public.

He could not but admire the unanimity which prevailed among them on this all-important question: he only regretted that the members from Upper Canada were not so true to the real interests of their constituents; but they were not.⁴⁰

Some further remarks ((were made.))⁴¹

(89)

Mr. Duggan moved, seconded by the Honourable Mr. Boulton, that the House do now adjourn.

The question being put upon the said motion, a division ensued, and it passed in the negative.

The Honourable Mr. Sherwood moved in amendment to Mr. Thorburn's motion of amendment, seconded by the Honourable Mr. Boulton, that the word "Kingston" in the said motion be struck out, and the following substituted, "some place within the limits of Upper Canada."

The Question having been put upon the Honourable Mr. Sherwood's motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs BOSWELL, BOULTON, CAMERON, CARTWRIGHT, CHESLEY, COOK, DUGGAN, DUNLOP, FORBES, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, MORRIS, ROBLIN, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, THOMPSON, THORBURN, WILLIAMS, and WOODS.--(27.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. McDONALD, J.S. MACDONALD, MOORE, MORIN, NEILSON, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SIMPSON, SMALL, TACHE, TASCHEREAU, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, WAKEFIELD, and WATTS.--(52.)

So it passed in the Negative.

The Question being then put on Mr. Thorburn's motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

(90)

Seat of Government.

YEAS.

Messieurs BOSWELL, BOULTON, CAMERON, CARTWRIGHT, CHESLEY, COOK, DUGGAN, DUNLOP, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, MORRIS, PRINCE, ROBLIN, HENRY SMITH, HARMANNUS SMITH, GEORGE

SHERWOOD, STEELE, STEWART, THOMPSON, THORBURN, WILLIAMS, and WOODS.--(26.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FORBES, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. MCDONALD, J.S. MACDONALD, MOORE, MORIN, NEILSON, NOEL, PAPINEAU, PARKE, POWELL, PRICE, QUESNEL, SIMPSON, SMALL, HENRY SHERWOOD, TACHE, TASCHEREAU, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, WAKEFIELD and WATTS.--(54.)

So it also passed in the negative.

Mr. Cartwright then moved, in amendment to the main motion, seconded by the Honourable Mr. Sherwood, That all the words after "That" in the said motion be struck out, and the following substituted--"Upon a matter of such great importance as the selection of a place where the Seat of Government is to be permanently established for United Canada, attended, as it must be, with a large expenditure of Public Money, this House is unwilling to assume the responsibility of deciding the question, involving, as it does, many important considerations, without a further manifestation of public opinion than has yet been declared, and therefore consider that it would be an act of proper courtesy and respect to the intelligence of the people of Canada to appeal directly to them upon the question."

The question having been put upon the said motion of amendment, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BOSWELL, BOULTON, CAMERON, CARTWRIGHT, CHESLEY, COOK, DUGGAN, DUNLOP, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, ROBLIN, HENRY SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, THOMPSON, WILLIAMS, and WOODS.--(23.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOUTILLIER, CHABOT, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FORBES, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. MCDONALD, J.S. MACDONALD, MOORE, MORIN, MORRIS, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SIMPSON, SMALL, HARMANNUS SMITH, TACHE, TASCHEREAU, THORBURN, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, WAKEFIELD, and WATTS.--(54.)

So it passed in the negative.

The question being then put on the main motion, a division ensued

thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FORBES, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. McDONALD, J.S. MACDONALD, MOORE, MORIN, NOEL, PAPINEAU, PARKE, POWELL, PRICE, QUESNEL, SIMPSON, SMALL, TACHE, TASCHEREAU, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, WAKEFIELD, and WATTS.--(51.)

NAYS.

Messieurs BOSWELL, BOULTON, CAMERON, CARTWRIGHT, CHESLEY, COOK, DUGGAN, DUNLOP, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, MORRIS, PRINCE, ROBLIN, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, THOMPSON, THORBURN, WILLIAMS, and WOODS.--(27.)

So it was carried in the affirmative, and
Resolved, That it is the opinion of this House, that it is expedient that the Seat of Her Majesty's Provincial Government for this Province, should be at the City of Montreal.

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Attorney General Lafontaine, That upon Her Majesty, in the gracious exercise of Her Royal Prerogative, giving directions for the location of the Seat of the Provincial Government of this Province in the City of Montreal, this House pledges itself to provide the necessary supply for the expenditure which may be expected to attend upon the establishment of the Seat of Government in that City.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FORBES, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. McDONALD, J.S. MACDONALD, MOORE, MORIN, MORRIS, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SIMPSON, SMALL, HARMANNUS SMITH, TACHE, TASCHEREAU, THORBURN, TURCOTT, TURGEON, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(55.)

NAYS.

Messieurs BOULTON, CAMERON, CARTWRIGHT, CHESLEY, COOK, DUGGAN, DUNLOP, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, ROBLIN, HENRY SMITH, GEO. SHERWOOD, HENRY SHERWOOD, STEELE,

STEWART, THOMPSON, WILLIAMS, and WOODS.--(22.)

So it was carried in the affirmative, and
Resolved accordingly.

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Attorney General Lafontaine, That an humble Address be presented to Her Majesty, embodying the foregoing Resolutions.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL,
(91)

BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DEWITT, DUNN, DURAND, FORBES, FOSTER, FRANCHERE, GILCHRIST, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, MCCULLOCH, D. McDONALD, J.S. MACDONALD, MOORE, MORIN, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SIMPSON, SMALL, HARMANNUS SMITH, TACHE, TASCHEREAU, THORBURN, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(54.)

NAYS.

Messieurs BOULTON, CAMERON, CARTWRIGHT, COOK, DUGGAN, DUNLOP, HARRISON, HOPKINS, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, MORRIS, ROBLIN, HENRY SMITH, GEO. SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, THOMPSON, WILLIAMS, and WOODS.--(22.)

So it was carried in the affirmative, and
Resolved accordingly.

Resolved, That a Select Committee, composed of the Honourable Mr. Attorney General Baldwin, the Honourable Mr. Attorney General Lafontaine, and the Honourable Mr. Hincks, be appointed to prepare and report the draught of the said Address.

Orders postponed.

Ordered, That the remaining Orders of the Day be postponed until the next sitting of this House.

Then on motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Attorney General Lafontaine,

The House adjourned until to-morrow, at eleven o'clock, A.M.

FOOTNOTES - 3 NOVEMBER 1843.

1. The debate on this matter was reported in: KINGSTON CHRONICLE, 11, 15, November 1843; MONTREAL TRANSCRIPT, 7 November 1843, in an edited version of the account found in KINGSTON CHRONICLE, 11, 15 November; LA MINERVE, 23, 25, 27 November 1843, which translated KINGSTON CHRONICLE, 11, 15, November 1843; and BRITISH COLONIST, 7 November 1843. Commentaries are found in: BATHURST COURIER, 7 November 1843; LA MINERVE, 6 November 1843; and L'AUREOLE, 7 November 1843, which mentions "L'Orateur a siégé au delà de 13 heures consécutives sans bouger de sa place, et malgré tout, on se trouve encore très heureux des résultats."
2. KINGSTON CHRONICLE, 11 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. BRITISH COLONIST, 7 November 1843.
36. KINGSTON CHRONICLE, 15 November 1843.
37. IBID.
38. IBID.

39. Immediately after Thorburn made his motion, "Mr. Cartwright seized the opportunity of speaking and replying to Mr. Judah," according to KINGSTON CHRONICLE, 15 November 1843.

40. KINGSTON CHRONICLE, 15 November 1843.

41. IBID.

SATURDAY, 4 NOVEMBER 1843.¹

11 O'CLOCK A.M.

(91)

J.F. Taylor, Esq.
Master in Chancery.

MR. SPEAKER informed the House that a Commission had issued under the Great Seal of the Province, appointing John Fennings Taylor, Esquire, the elder, a Master in Chancery.

4 Petitions
brought up.

The following Petitions were severally brought up and laid on the Table:--

By the Honourable Mr. Boulton--The Petition of James Garrick, and others, Members of St. Andrew's Church, at Niagara, in connection with the Synod of Canada.

By the Honourable Mr. Morin--The Petition of Jean Baptiste Daut and others, Inhabitants of the Parish of St. Eustache, in the County of the Lake of Two Mountains.

By the Honourable Mr. Attorney General Baldwin--The Petition of Mrs. Jane McElheran, widow of the late Alexander McElheran, Sergeant in the third Regiment of Northumberland Militia, of the Township of Murray, in the District of Newcastle.

By the Honourable Mr. Hincks--The Petition of Hugh Campbell and others, Inhabitants of the District of Brook; and the Petition of William Barker and others, Inhabitants of the Village of Paris, and other places.

Secret Societies
Bill.

An Engrossed Bill for the discouragement of Secret Societies, was read for the third time.

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Solicitor General Small, That the Bill do pass, and the title be "An Act for the discouragement of Secret Societies."

Mr. Cartwright moved, in amendment, seconded by Sir Allan N. MacNab, That all the words after "That" in the said motion be struck out, and the following substituted--"This Bill do not now pass, but that it pass this day six months."

The question having been put upon the said motion, a division ensued, and it passed in the negative.

The question being then put upon the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, DALY, DERBISHIRE, DE WITT, DUNN, DURAND, FRANCHERE, GILCHRIST, HAMILTON, HARRISON, HINCKS, HOLMES, HOPKINS, JOBIN, JUDAH, KILLALY, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, J.S. MACDONALD, MERRITT, MOORE, MORIN, NOEL, PAPINEAU,

PARKE, POWELL, PRICE, PRINCE, QUESNEL, SIMPSON, SMALL, HARMANNUS SMITH, STEELE, TACHE, TASCHEREAU, THOMPSON, THORBURN, TURCOTTE, TURGEON, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(55.)

NAYS.

Messieurs BLACK, CARTWRIGHT, DUGGAN, FORBES, FOSTER, HALE, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, NEILSON, ROBLIN, STEWART, and WILLIAMS.--(13.)

So it was carried in the affirmative, and Resolved accordingly.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of R. Jones, Esquire, and others, Inhabitants of the Parishes of Sorel, St. Michel, and other places; praying for the passing of an Act, to appoint Trustees, for establishing and maintaining better means of communication between William Henry and Drummondville.

Of Hugh Brodie, jun., and others, Inhabitants of Cote St. Paul, Coteau St. Pierre, and of the Tanneries des Rollands, in the Parish of Montreal; praying for amendments to the Laws establishing Turnpike roads, in the neighbourhood of Montreal.

Of D. B. Stevenson and others, Inhabitants of the District of Prince Edward; praying that the consideration of the question of the Seat of Government be deferred, until the sense of the people be taken thereon; or that an Address may be passed, praying Her Majesty to exercise the Royal Prerogative thereon, without referring the matter to the Legislature of this Province.

Of the Reverend Donald Mackenzie and others, Inhabitants of Zorra, and other Townships, in the District of Brock; praying for certain amendments to the Charter of the University of King's College.

Of the Reverend Alexander C. McColl and others, Inhabitants of Aldborough, District of London; praying for certain amendments to the Charter of the University of King's College.

Of Nicholas Sparks, of Bytown; praying for Legislative interposition, to recover certain property, unlawfully taken from him by the Ordinance Department.

Of David Good and others, Delegates of the School Districts, in the Townships of Waterloo, Wilmot and Woolwich, in the District of Wellington;

praying for certain amendments to the Common School Act.

Of A. Dingwall Fordyce, and others, Inhabitants of Fergus, and neighbourhood, in the District of Wellington; praying for certain amendments to the Charter of the University of King's College.

Seventh Report on
Private Bills.

Mr. Hale from the Standing Committee on Private Bills, presented to the House, the Seventh Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have considered the Petition of the Honourable S. B. Harrison, praying that the Courts of Queen's Bench and Chancery, may be authorized respectively to admit him to practise as an Attorney and Solicitor therein. Your Committee have had Mr. Harrison before them, and they beg leave respectfully to report his evidence, and to recommend that the prayer of his Petition be granted."

The Honourable Samuel B. Harrison, a Member of this House, appeared before your Committee and stated that he was educated in England, in the Profession of the Law. That he was, as a part of his education, articulated to an Attorney in England, and served under those articles for upwards of three years. That he afterwards procured those articles to be cancelled, and after having gone to the University of Cambridge, and having qualified himself, entered into the practice of the Law, as a special pleader. That he continued in such practice for eight years, until the year 1831, when he was called to the degree of the Bar in England, by the Honourable Society of the Middle Temple. That he continued practising as a Barrister until the year 1837, when he arrived in Upper Canada. That he was admitted to practise as a Barrister in Upper Canada in 1834, but that he has never practised his profession in this province, having been otherwise fully engaged. That he is, however, owing to recent circumstances, desirous of resuming the practise of his profession, but not being authorized by the Law to practise as an Attorney or Solicitor, although qualified as a Barrister in any Court of Upper Canada, he is anxious that a law be passed to authorise the Courts of Queen's Bench and Chancery, respectively to admit him as an Attorney and Solicitor therein.

Seat of Government,
Address.

The Honourable Mr. Attorney General Baldwin, from the Select Committee appointed to prepare and report the Draught of an Address, embodying the Resolutions of the House, of yesterday, on the subject of the Seat of Government, reported to the House the said Draught of an Address, which was again read at the Clerk's table and agreed to by the House, and is as followeth:--

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, most humbly beg leave to approach Your Majesty with renewed expressions of a devoted attachment to Your Majesty's Royal Person and Government.

During the present Session of Your Majesty's Provincial Parliament, Your Majesty's Governor General of this Province has, by Message communicated to us, that Your Majesty's Imperial Government decline coming to a decision in favor of any place as the future Seat of Government for this Province, without the advice of the Provincial Legislature; and that Your Majesty's Ministers will be prepared to submit favourably to Your Majesty such Addresses on this subject, as may be presented by either or both of the Legislative Houses, in recommendation of either Kingston or Montreal, provided such recommendation should be accompanied by a Parliamentary pledge to provide the necessary supply.

We assure Your Majesty, that we most deeply feel this additional proof of Your Majesty's Gracious desire to consult the wishes of your Canadian people. And we most respectfully beg leave to submit to Your Majesty, that we have in compliance with the gracious wish thus expressed, taken this most important subject into our most careful and deliberate consideration--and that in our opinion it is expedient that the Seat of Your Majesty's Provincial Government, for this Province, should be at the City of Montreal.

We further beg leave most respectfully to assure Your Majesty that upon Your Majesty, in the Gracious exercise of Your Royal Prerogative, giving directions for the location of it at that place, we pledge ourselves to provide the necessary supply for the expenditure which may be expected to attend upon the establishment of the Seat of Government at that City.

Ordered, That the said Address be engrossed.

Ordered, That the said Address be communicated, by Message, to the Legislative Council, requesting the concurrence of their Honours thereto.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the said Message to the Legislative Council.

Report on Petition of John S. Caldwell and others.

Mr. Christie, from the Special Committee to which was referred the Petition of John S. Caldwell and others, Proprietors of Vessels navigating the Gulf of St. Lawrence, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee having taken into consideration the matter referred to them, beg leave to submit to Your Honourable House the following Report:

"The Provincial Statute of Lower Canada, 45 Geo 3, Cap. 12, Section 23, allows a fee of seven shillings and six pence, currency, to the Harbour Master of Quebec for a printed or a written copy of the Laws and Regulations concerning Pilots, and the navigation of the River St. Lawrence, recoverable from Ship Masters arriving in the Port of Quebec from Sea.

"This fee is exigible but once during any one season; Ship Masters on their return or second voyage from Sea being by another Statute of Lower Canada, 2 Geo. 7, Section 5, expressly exempted from the charge, unless during the interval between their departure from Quebec and return thither, some new Bye-laws or Regulations have been passed, whereof they ought to be notified. In this case it is the Harbour Master's duty to furnish the Ship Master with a copy of the new Bye-laws or Regulations, and for which he is again entitled to a like fee of seven shillings and six pence, currency, for this additional service.

"The Pamphlet containing the existing Laws, Bye-laws, and Regulations, for which the said charge of seven shillings and six pence, currency, is allowed, has been produced to Your Committee, and accompanies this Report. It consists of seventy-eight pages octavo. There is also a small table consisting of twelve lines closely printed, pasted on the cover of the Pamphlet, purporting to be a new Bye-law or Regulation passed by the Trinity House of Quebec, in August last (1843), and for which Ship Masters

(93)

on their second voyage this year to Quebec, are under the aforesaid 5th Section of the latter act, liable a second time to the said charge of 7s. 6d., as a fee to the Harbour Master of Quebec.

The Petitioners who are all residents in this Province, and as such presumed to be cognizant of its laws, complain of the charge alluded to, and pray to be relieved in toto of it.

The intrinsic value of the Pamphlet and label cannot exceed one shilling, Currency, and might be furnished at a profit, by any Printer or Bookseller in Quebec, for considerably less than that amount, were not the sale of it a monopoly by Act of Parliament in the hands of the Harbour Master of Quebec, who besides his salary, derives from it a very considerable revenue, levied upon shipping, arriving from Sea at the Port of Quebec, in number from eleven to twelve hundred sail per season.

Your Committee are of opinion that all River Craft, owned in this Province, whether navigating the River and Gulph of St. Lawrence only, or performing voyages hence to any other British North American Province or Colony, ought to be exempt from this charge, and that all Ships and Ship Masters returning from Europe to Quebec, on a second voyage the same season, should be provided by the Harbour Master with a copy of any new By-Laws or Regulations made during his absence.

The Provincial Statute of Lower Canada, 51, Geo. III. Chap. 12., which vests in the Trinity House of Quebec (Sec. 6.) the Harbour, known as the Cul-de-Sac, in the Port of Quebec, also enacts (Sec. 11.) that "the Wharfage and Dock dues on such Vessels, as are employed in the Fisheries in the Gulph and River St. Lawrence, and in the trade of the said River only, including such Rivers as run into the same, from Cape Chat upwards to the

Colonies, relating to the place where the Legislature is in future to assemble in this Province.

The Question of concurrence being put thereon, the same was agreed to by the House; and it was ordered accordingly,

Ordered, That the Honourable Messieurs Morris and Washburn, do wait upon His Excellency, the Governor General, with the said Address.

Tuesday, 3rd October, 1843.

The Honourable Mr. Morris reported that the Honourable Mr. Washburn and himself had, according to order, waited on His Excellency, the Governor General, with the Address of this House of Saturday last, and that His Excellency was pleased to say that he would answer the said Address by Message.

Tuesday, 10th October, 1843.

The Honourable Mr. Sullivan acquainted the House that he had a Message from His Excellency, the Governor General, under his Sign Manual, which his Excellency had commanded him to deliver to this House, and the same was read as follows:--

C. T. Metcalfe.

The Governor General informs the Honourable the Legislative Council, in reply to their Address on the subject of the place where the Legislature is in future to assemble in this Province, that he does not consider himself at liberty to lay before that Honourable House, the Despatches which he received from Her Majesty's Secretary of State on that subject; but that the substance of the instructions issued to him is to the effect, that Her Majesty's Government decline coming to a determination in favor of any place as the future Seat of Government without the advice of the Provincial Legislature; and that Her Majesty's Ministers will be prepared to submit favourably to Her Majesty, such Addresses on this subject as may be presented by either, or both, of the Legislative Houses, in commendation of either Kingston or Montreal; it being understood that the selection is now necessarily limited to one of those places; the former Capitals, Quebec and Toronto, being alike too remote from the centre of the Province, and the plan of alternate Sessions at one or the other places being deemed objectionable and impracticable, on account of its manifest and extreme inconvenience. As connected with this subject, the

(94)

Governor General transmits a copy of a Report from the Committee of the Executive Council, and a copy of a Protest from one of its Members, on the subject thereof, which were submitted for the consideration of Her Majesty's Ministers.

*Government House,
Kingston, 6th October, 1843.*

Harbour of Montreal inclusive, shall not exceed four-pence, current money of this Province, per ton register measurement of the Vessel per annum, for loading, unloading, and wintering in the said Harbour." This enactment the Petitioners represent is to their prejudice defeated: First, by a By-law or regulation of the Trinity House, passed 1st. May 1812, requiring "that all Masters of Ships and Vessels under the general name of River Craft, employed solely in the Gulph and River St. Lawrence, and in the Trade of the said River, who intend to benefit from the advantages given them by the said Act, shall each and every year, on or before the 1st day of June, take out a License from the Corporation of the Trinity House of Quebec, to make use of the said Harbour of the Cul-de-Sac, agreeably to Law, and on receiving the same shall pay the annual tonnage duty, thereby ordered to be levied, to such persons as shall be authorized to receive the same;" and Secondly--by another By-law of the same date, which provides, "that any Ship or Vessel, having such License as aforesaid, and going a voyage to sea, shall thereafter be subject to the like wharfage and dock dues, as Vessels from Sea," that is to say six-pence, currency per ton loading and unloading, and 2s. 6d. per day, from the day of their entering to the day of their departure therefrom, exclusive.

River Craft for which such Licenses have been taken and paid, consequently forfeit by performing a voyage in the course of the season to either of the Lower Provinces, the amount paid for Licenses previous to the first of June, and thereby are placed in a worse situation than Vessels not owned in the Province, being in addition to the forfeiture subjected thereafter to the same charges as those Vessels are, and this for the legitimate pursuit of their calling.

Your Committee recommend an enactment to afford relief in the foregoing respects; but with respect to the other matters represented in the Petition referred to Your Committee, they cannot advise any alteration." Ordered, That the said Report be referred to a Committee of the whole House, on Wednesday next.

Report of Committee
on searching Jour-
nals of Legislative
Council on Seat of
Government.

Clerk's table, and is as followeth:--

Sir Allan N. MacNab, from the Select Committee appointed to search the Journals of the Honourable the Legislative Council with relation to any proceedings had in the present Session on the Seat of Government, presented to the House the Report of the said Committee, which was again read at the

Saturday, 30th September, 1843.

It was moved to resolve that an humble Address be presented to His Excellency, the Governor General, respectfully requesting that His Excellency will be pleased to lay before this House (if consistent with His Excellency's Instructions) copies of any despatches that may have been received from Her Majesty's principal Secretary of State for the

(Copy.)

To His Excellency the Right Honourable Sir Charles Bagot, G.C.B. Governor General of British North America, &c. &c. &c.

Report of a Committee of the Executive Council:

Present.--The Honourable Mr. Sullivan in the Chair, Mr. Dunn, Mr. Daly, Mr. Harrison, Mr. Killaly, Mr. Hincks, Mr. Lafontaine, Mr. Baldwin, and Mr. Morin, relative to the Seat of Government, Messrs. Aylwin and Small being absent on public business.

MAY IT PLEASE YOUR EXCELLENCY:

The important question, respecting the locality of the Seat of the Provincial Government of Canada, upon which Your Excellency is desired by Her Majesty's Secretary of State for the Colonies, to form an opinion with the assistance of the Executive Council, has engaged the anxious attention of the Committee of the whole of that body, and the Committee fully sensible of the difficulties attending such a subject of enquiry, and aware of the impossibility of reconciling local interests in favor of any decision which may be pronounced, respectfully offer their advice, the result of much deliberation, and which, though not in accordance with the first impression on the mind of the late Governor General, or with the policy which directed the assemblage of the Legislature at Kingston, and the removal of the Public Departments to that place, they believe, nevertheless, to be most conducive to the public welfare and most likely to meet with the general approbation of the people of the Province.

As might naturally be expected, the popular opinions most strongly expressed are either openly based upon the claims of the inhabitants of certain localities, to have the Seat of Government to their own City or neighbourhood, or they are traceable to local pecuniary interest, though assuming the appearance of taking public and general ground: Thus for example the Citizens of the ancient Capitals of Upper and Lower Canada complain of depreciation in the value of property consequent upon the removal of the Government from these Cities. The inhabitants of Kingston set up a like claim because of their late investment of capital in building, and in the purchase of building ground under the expectation formed by them that Kingston was to be the permanent capital. Then on behalf of Quebec, its Military strength and its possession of buildings for the use of the Legislature are said to give that City the preference, on the arguments of security and economy. The existence of Public Buildings in Toronto, the rapidly increasing population and wealth of that City and the neighbouring Districts are urged as public grounds of economy and future convenience in its favor, while in Kingston its central position and defences, and the expenditure that lately took place under the authority of Lord Sydenham, in the purchase of lands for the erection of Public Buildings, are brought forward not only as inducements for making Kingston the Provincial Capital,

but as in a manner binding on Her Majesty's Government to fulfil expectations to which the Acts of Government gave rise. Then in favor of Bytown, its inland position, on the Boundary River between the late Provinces, and at the mouth of the great Military Canal of the Rideau, are said to give it claims to consideration above other places because it is comparatively safe in case of War, and convenient alike for Upper and Lower Canadians.

The Committee look upon the selection of a locality for the Government and Legislature, as far too important to the public generally, to permit of much consideration of the local interests of the Inhabitants of the places claiming to be chosen. The convenience and advantage of the whole community are mainly to be sought, and it may be said that these are the sole objects to be served in the selection of a Capital in a country like Canada, where as yet no great local interests are created of sufficient importance to entitle them to regard in a national point of view. The removal of a Government is unquestionably a great calamity to the possessors of property in the place from which the removal is made, and measures of change in this respect should never be lightly adopted; but these facts only make it more imperatively the duty of the Government to be careful in the choice, and at the earliest possible period to fix the Capital at a place from which the future condition of the country will not require a removal. To continue for a time any Seat of Government injudiciously chosen, exposes the place to the aggravated but certain future evil of abandonment when the interest involved would be vastly greater than at present, and therefore while the Government is bound to avoid as much as possible, changes in the location of a Capital, this desirable object can only be attained by a correct selection made in contemplation not of local or temporary but of general and abiding interests.

The Union of the Provinces of Canada brings together in one Legislature and in one City, those interested with the management of public affairs of a people scattered over an extensive region, and differing in language, in laws, and, in many respects, in local interests. It also brings to the Seat of the Provincial Government a continual concourse of persons having private or public matters to solicit. To cause this assemblage in any portion of one section of the Province which, from its position, would place the Legislature and suitors from the other section at once out of view of every thing connected with their own Race and Country, and at a distance from those whose interests they are bound to represent, and whose confidence it is essential to them to continue, would, in the opinion of the Committee of Council, prove a never ceasing source of discontent, and would promote a sense of banishment and of abandonment, which no arguments could overcome, or no advantages counterbalance, some of this feeling is unavoidable, from the fact that any Capital in Canada must be at a great distance from the extremities of the Province, and those at a distance from the scene of Legislative deliberation and Executive action, will always imagine their interests more or less overlooked or their opinions slighted; but dissatisfaction of this nature must be very much aggravated if Legislation be carried on in a locality where neither the language, laws, or manners of a large portion of the community prevail, or are known, and

where the actual condition and requirements of that part of the population cannot be observed, and can only be learned upon statements liable to be denied or controverted; could no common locality be found, on ground equal, or nearly so, to both parties, a great obstacle would be offered to the success of the measure of the Union--for the Committee think, that one or the other party would continue discontented, and would suffer under a sense of injustice and oppression, most injurious to the Government, and inimical

(95)

to the tranquillity of the Province; to find the place which leaves the least foundation for complaint on any side, has therefore been the object of the Committee of the Council in the present inquiry, and it is one which, they think, ought to be paramount to all others.

Quebec, it is true, has its fortifications; it is the mart of the Timber Trade, in which a portion of the people of Upper Canada are connected; it has Houses of Parliament already constructed, which might temporarily answer for the meeting of the Legislature, and part of which would serve the same purpose in future; and it is not materially different in climate from most other parts of the Province. But its distance from Upper Canada, its want of equal commercial connection with the Upper Province, except as regards one branch of trade, the little personal common intercourse between its Inhabitants and people from the western portion of the Colony, form, in the opinion of the Committee, strong objections to its being chosen as the Seat of Government. Upper Canadians having business to transact with Government, or who are engaged in public affairs, would feel themselves forced to go to a distance from their Country to a place where everything would appear strange, and where even the distance from, and expense of communication with their own Section of the Province, would be considered unnecessary inflictions. Toronto, though a flourishing and rapidly rising City, situated in a fertile Country, and having a large extent of territory in its rear, peopled, and, in the course of settlement has, nevertheless, little interests in common with the Lower Province, unless as a place through which its Commerce must pass. And its strangeness to Lower Canadians, would ever be greater than would be felt in Quebec, by people from Upper Canada, whilst its distance from Eastern Canada would cause many and constant inconveniences, too great to admit the continuance of the Capital there. Kingston, it is true, is somewhat nearer to a central position, but its importance, except as a Military Post, depends mainly upon the forwarding trade, and, not having an improved back country, its progress has not been rapid, notwithstanding its being one of the most ancient Towns in the Province, and favoured by the presence of large Naval and Military establishments. The coming of the Government caused improvements, which, however, must be limited to the wants of the influx population consequent upon that occasion. It is close upon the American frontier; many of its supplies are taken from the United States, and the inhabitant of Lower Canada feels himself alienated from his own people as much in this City as he could well be any where in Canada; while it is not a place in which any considerable number of the inhabitants of Upper Canada, besides its own Citizens and the Country in its neighbourhood, have any interest. It is not surprising, therefore, that when the question was discussed, in the two last Sessions, in the

Legislative Assembly, a very large majority of Members declared decidedly against Kingston. Of Bytown, it may be said that it is comparatively safe from attack in the interior; that when the Country of the Ottawa comes to be settled, it promises to rise into importance, and that it is situate on the Provincial Boundary, but then its position makes it inconvenient both for Upper and Lower Canadians; it is, in fact, out of the way of both; and thus possessing disadvantages which would be equally felt by both divisions of the Province, it would, probably, write both in one feeling, and that not in its favour.

The Island of Montreal was chosen as the site of a great City, by the French Government, in the early times of the Colony. In making this choice, the acknowledged sagacity and foresight displayed by the Officers of that Nation, in their selection of positions, for either Civil or Military occupation, along the course of the Saint Lawrence and down the Mississippi, in a country then a forest wilderness, was scarcely required, when Montreal was designated as a future City. No discoveries of localities claiming to be equal, no development of the vast resources of later times, no improvement in Canal navigation, and not even the discovery and use of steam (which, in other instances, have set at naught the calculations of the wisest and most profound of early politicians), have made any change in the prospect of importance to Montreal, except as they have confirmed and advanced all prognostications of its future greatness. Situate at the head of navigation from the Sea, and at the foot of the River and Canal navigation, not only of Canada but of North Western America, Montreal has long been the Commercial Capital of the Province, and bids fair to be the Mart of Commerce of a larger portion of the vast North Western country of the American States. It is not merely a City through or by which the Commerce of the country passes, but it is the depot and place of exchange of that Commerce, and consequently, it is, beyond all comparison, the centre of the wealth of Canada, a wealth, not derived from any partial or changeable source, but flowing to it alike from the Atlantic, from the distant Western Lakes, and even from waters whose natural outlet is to be found at New Orleans, but which, by means of Canals, have been made to communicate with the Canadian Lakes, and to bring contributions to the favoured City of Canada. Ships from the Ocean and Vessels from the interior, lie together in the Port, and men from all quarters meet there in the ordinary course of business. Montreal has no concern in the sectional jealousies of the different positions in the Western Country, but it is impossible to imagine an improvement in condition of that country, by which that City is not benefitted, while, on the other hand, the Upper Canadians having little to do with the affairs of the other Ports of Lower Canada, have a deep interest in Montreal, as their own Sea Port and their own market; Montreal is, therefore, essentially a City of both the late Provinces; one in which each claim an interest, and it is, moreover, a City familiar to Upper Canadians as it is to the inhabitants of the section of which it forms a part; it is the place, of all others, in which to study the statistics and policy of the whole of Canada--in which there is the least chance of partial Legislation, or of the interests of any part of the people of the Province being overlooked or disregarded.

There can be no stronger proof of the correctness of these opinions, than the claim set up by the Inhabitants of the Western Country, long before the Union, to the City of Montreal, as a place built up with the result of their industry, and sustained by their Commerce; but the resources arising from the wealth of which they were deprived, in consequence of that City forming part of a different province. That the Lower Canadians resented and resisted a proposition for the dis-memberment of their Country, and the loss of their chief City, is undoubted, and surely this contest for a place in which both claimed a deep and obvious interest, shared by no other locality, ought to be conclusive evidence in favor of the disputed position, when the inquiry is made where shall be the United Capital of these contending Provinces. That the Capital of the United Provinces ought to be placed in the position which would enable Upper Canadians most effectually to look after the concerns of their own seaborn and outward trade, and in the place in which Lower Canadians can most effectually investigate and control the internal management of communications, of which they share the expense, and in the advantages of which they expect to share, appears to the Committee of

(96)

Council almost an indisputable proposition. That Montreal possesses these advantages is not to be disputed, and that there are facilities afforded to a Government resident in Montreal, of closely and constantly ascertaining what is for the Public advantage of the whole community, and what is the true bent of Public opinion, superior to any afforded by rival Cities claiming the choice of the Government, the Committee think is equally apparent. All the advantages of common and universal interest in one locality are, in the opinion of the Committee, found in Montreal in a superior degree, to those existing in most Capital Cities, and therefore they feel bound, without giving much weight to local claims, or to desires naturally entertained of political preponderance in either section of the Province, to tender to your Excellency their respectful advice, to recommend to the Queen the choice of Montreal as Her Majesty's Canadian Capital.

The Committee further beg leave to suggest that although it is for Her Majesty to declare Her Gracious pleasure upon this subject, yet, in whatever place the Seat of Government shall be fixed, heavy expenses will attend its establishment, which have to come through the vote of the Legislature, and they have no doubt but that it would be gratifying to Her Majesty, as it would to Your Excellency and Council, to see the necessary expenditure cheerfully and cordially undertaken, and borne by the Provincial Parliament. And the Committee need not say how much it would mortify them to see any serious difference of opinion in the Legislature on such a point. The proceedings in the two last Sessions of Parliament would, the Committee apprehend, indicate such a difficulty, to an extent which would make an application to Parliament almost hopeless, were Kingston to be continued, or any of the places which put forward their own claims, chosen, and they are of opinion that although the Citizens of Montreal appear to take little interest in the Question, as they might be personally affected by its decision, and

although in fact that City is so full of other resources, as to account for the indifference of its inhabitants, to the acquisition of the character of a Political Capital, yet the advantages to the Public generally appear so plain, and the general objects in view in the choice so defensible, that they have the strongest hope of a concurrence in the selection by the Legislature, and of the avoidance of the difficulties which any other would probably occasion. In favor of which soever place Her Majesty may be pleased to decide, the Committee of Council would respectfully suggest that the interest of individuals are suffering, and will continue to suffer, by any delay in the final decision. The popular mind is also kept more or less unsettled and agitated on the question, so as to affect other politics injuriously. When once the Provincial Capital is definitively chosen, bad feeling on the subject will cease, and common favorable interests will be awakened. The more quickly the intention of Her Majesty shall be carried into execution, the sooner will its beneficial objects be understood and admitted. And should Your Excellency be pleased to agree in the recommendation of the Committee, and should Her Majesty be advised to concur in the measure of fixing the Capital at Montreal, the Committee think that facilities for a very early removal of the Government thither can be found in that City, and the accommodation offered by its extent and position, as well as by the possession of public property there, available for the uses of the Government.

The urgent necessity for an immediate decision and for early action thereupon, is further shewn by the approaching want of funds to pay the rents of the Public Buildings and the Government House occupied in Kingston. An application to Parliament for those funds would bring on the question respecting the Seat of Government in its most embarrassing shape. The buildings occupied for Public Offices and for Parliament in Kingston, are, moreover, totally unfit for the purpose to which they are temporarily turned. The Members of the Legislature have been put to the greatest inconvenience for the want of a tolerable building in which to hold their Sessions, and the facilities for the erection of buildings in Montreal and the superior cheapness of their construction at that place, give it advantages in an economical point of view, which would more than counterbalance the value of any Public Edifices that exist either in Quebec or Toronto.

All which is respectfully submitted.

By order,

(Signed,)

R.B. Sullivan,
Chairman.

(Certified,) E. Parent, C.E.C.

Council Chamber,
Kingston, 16th March, 1843.

Mr. Harrison, as a Member of the Executive Council of Canada, present on the 16th instant, in a Committee of Council, when a minute was agreed upon, by which the Committee advise the transfer of the Seat of Government of Canada from Kingston to Montreal, feels it to be his duty to communicate to His Excellency the Governor General that he has not concurred in the minute of Council above referred to.

Anxious to avoid every possible cause of embarrassment, and feeling satisfied that all the political arguments upon every view that can be taken of the subject have been fully exhausted, Mr. Harrison refrains from entering into any statement of the process of reasoning by which he has been led to the conclusion at which he has arrived, and therefore contents himself with making this communication to His Excellency.

Kingston, 20th March, 1843.

Wednesday, 11th October, 1843.

It was moved, that an humble Address be presented to His Excellency, the Governor General, to return him the thanks of this House for His Message of yesterday, in answer to the Address of this House on the subject of the place where the Legislature is in future to assemble in this Province. Upon which debates ensued.

Ordered, That the said debate be adjourned until to-morrow.

Thursday, 12th October, 1843.

Pursuant to the Order of the Day, the House resumed the debate on the motion of yesterday that an humble Address be presented to His Excellency, the Governor General, to return him the thanks of this House for His Message of Tuesday last, in answer to the Address of this House, on the subject of the place where the Legislature is in future to assemble in this Province.

The question of concurrence being put thereon, the same was carried in the affirmative, and it was ordered accordingly.

Ordered, That the Honourable Mr. Sullivan, do wait on His Excellency the Governor General with the said Address.

(97)

It was moved that there be a call of the House on Monday the thirtieth instant, for the purpose of taking into consideration the last mentioned Message of His Excellency, and the Documents accompanying the same.

Which being objected to--

The question of concurrence was put thereon, and the same was resolved in the negative.

Then it was moved that there be a call of the House on Monday the twenty-third instant, for the purpose last aforesaid.

Which being objected to--

The question of concurrence was put thereon, and the same was resolved

in the negative.

Whereupon it was moved that the said Message of His Excellency, the Governor General, together with the documents accompanying the same, be committed to a Committee of the whole House presently,

Which being objected to--

The question of concurrence was put thereon, and the same was resolved in the affirmative, and it was

Ordered, That the House be now put into a Committee upon the said Message and Documents.

The House, according to Order, was adjourned during pleasure, and was put into a Committee of the whole House on the same.

After some time the House was resumed.

And the Honourable Mr. Sullivan reported, from the said Committee, that they had taken the said Message and Documents into consideration, had made some progress therein, and asked leave to sit again to-morrow.

Ordered, That leave be granted accordingly, and that the said Message and Documents do stand as the first item on the Order of the Day for to-morrow.

Ordered, That the Members in Town who have absented themselves this day from the House be specially summoned to attend the service of this House to-morrow, at the hour of one o'clock, P.M.

Friday, 13th October, 1843.

The House, according to Order, was adjourned during pleasure, and was again put into a Committee of the whole House on the subject of His Excellency's Message of Tuesday last, in answer to the Address of this House, relative to the place where the Legislature is in future to assemble in this Province. After some time, the House was resumed, and the Honourable Mr. Sullivan reported, from the said Committee, that they had gone through the said Message, and had directed him to report several Resolutions, which he was ready to submit, whenever the House would be pleased to receive the same.

It was moved that the said Report be now received, but that the said Message of His Excellency be again referred to a Committee of the whole House on Monday, the twenty-third instant.

Which being objected to--after debate,

The question of concurrence was put thereon, and the same was resolved in the negative.

Then it was moved, That the Report be now received--which being objected to,

The question of concurrence was put thereon, and the same was carried in the affirmative, and it was ordered accordingly.

The said Resolutions were then read by the Clerk, as follows:--

Resolved, That in assenting to the Union of Upper and Lower Canada, the inhabitants of the former Province were greatly influenced by a confidently cherished expectation, that the very reason of policy which induced Her Majesty's Ministers to advise that important

measure, would have a decided weight on the determining the locality of the Seat of Government.

Resolved, That the Imperial Parliament, in giving to the Governor General, or the Representative of our Most Gracious Sovereign, the power to determine in what place or places the Legislature of this Province should assemble, evinced their desire that Her Majesty's Ministers should have ample authority to carry out their policy in that respect, in settling the future Government of this Province.

Resolved, That His Excellency, the late Lord Sydenham, the first Governor General of this Province, did, by the selection of a place in Upper Canada at which the first Provincial Parliament should assemble, act in accordance with the policy which brought about the Union, and in compliance with the wishes of the people of the Upper Province, as expressed through their Representatives.

Resolved, That, although many objections may have, from time to time, been strongly urged against the locality of Kingston, neither public or private interests appear to have weighed sufficiently in favour of any one other place, so as to unite a majority of the people of the Province in its favour.

Resolved, That the only proposition in which a majority of either branch of the Legislature concurred for removing the Seat of Government, united the supporters of two different Cities; and, though eloquently supported, and based on many public and patriotic considerations, yet nevertheless, the arguments advanced in its favour not only failed to convince Her Majesty's Ministers of the propriety of adopting and carrying it into effect, but drew from Her Majesty's Secretary of State for the Colonies the expression of an opinion "that a change, involving, among other consequences, largely increased expenditure, ought not to be sanctioned, except upon the clearest necessity, and the general sense of the Province unequivocally expressed in its favour."

Resolved, That although Her Majesty's Executive Council of this Province did, in consequence of a reference to them by His Excellency, the late Governor General, adopt a Report, embodying the arguments in favour of a removal of the Seat of Government to Montreal, and such Report was transmitted to England for the information of Her Majesty's Ministers, the considerations therein advanced appear to have been insufficient to induce the British Cabinet to advise Her Majesty to act upon the conclusions of the Provincial Advisers of the Governor General.

Resolved, That in ignorance of any other reasons which have influenced the judgment of Her Majesty's Ministers in not adopting the views recommended in the Report of the Executive Council, this House

naturally concludes that they continue to entertain the same opinions, both as to the general policy of the Union, and the locality of the Seat of Government, as were avowed and acted upon in carrying that measure through the Imperial Parliament, and bringing it afterwards into practical operation in this Province.

Resolved, That the Legislative Council have not, upon any of the grounds presented for their consideration, been able to arrive at any other

(98)

conclusion than this: that the soundness of the principles upon which Upper Canada assented to the Union has in no degree been shaken, and that no change has occurred to justify a departure from the policy of the Government based upon those principles.

Resolved, That in the selection of one place in preference to another, it is impossible, in this Province, entirely to avoid the effect of local interests and personal inducements, and that, consequently, no decision arrived at here will command the same respect, and be entitled to the same credit for impartiality, as would be cheerfully accorded, by Her Majesty's faithful subjects, to their Sovereign's decision.

Resolved, That, influenced by these considerations, the Legislative Council respectfully desire that Her Majesty will be pleased to exercise Her Royal prerogative in the selection of some place within the former limits of the Province of Upper Canada, at which the Parliament of Canada shall assemble; pledging themselves to concur with the other branch of the Legislature in any grant to be made by them to Her Majesty, for the expenditure which may be expected to attend the permanent location of the Seat of Government at the place selected by Her Majesty.

The said Resolutions being read a second time, and the same being objected to, the question of concurrence was put on each, and they were severally agreed to by the House, and it was Ordered accordingly.

Dissentient.--Because the consideration of the Message of His Excellency, the Governor General, on the subject of the Seat of Her Majesty's Provincial Government, was moved and proceeded in suddenly and without notice, upon an amendment to a motion for a call of this House, for the purpose of considering the said Message at a future day, and because the consideration of the said Message was thus brought on by surprise, no opportunity being given for the consideration of the said Message.

Because, at the time the consideration of the said Message was suddenly proceeded in, many Members were casually absent from Kingston, those who were present being chiefly residents in Upper Canada, and but

four Members present who were residents in the Eastern Section of the Province, and because the said Message nearly concerned the interests and welfare of all the Province, and could not be satisfactorily settled in the casual absence of the greater number of the Lower Canadian Members.

Because the said Message was not translated into the French language, neither were the Resolutions before the House, and because time was not given for the translation of the said Message and Resolutions, although such translations were asked for by two and more Members, pursuant to the sixty-eighth Rule of this House.

Because the whole proceedings in this House on the said Message have been hurried through with unusual and unnecessary rapidity notwithstanding that objections were made to such haste, as well as motions for delay, and notwithstanding that there was no press of business before the House, or any other just reason for precipitation in coming to a conclusion on the question submitted.

Because it could not have been Her Majesty's desire to receive the opinions of the Members residing in one section of the Province only, and because the Resolutions adopted by this House in the absence of the greater part of its Members resident in Lower Canada, cannot be justly said to express the collective sense of this House on the question before it, and because therefore any consequence arising from the adoption of the said Resolutions cannot be satisfactory to the people of Canada.

Because the said Resolutions are not in compliance with the pleasure of Her Majesty, as conveyed in the Message of His Excellency, the Governor General, as the said Resolutions do not recommend either of the places, mentioned in the said Message, one of which Her Majesty graciously intended to choose as the place for the meeting of the Provincial Legislature, and because, while the said Resolutions affect to pray Her Majesty's decision as to the Locality of the Seat of Government, they do so far as the Resolutions of this House can, solicit the restriction of Her Majesty's choice to some place in Upper Canada.

Because the place for the meeting of the Provincial Parliament should be fixed, with due regard to the convenience of the inhabitants of both sections of the Province, and to the language spoken in either, and because for the reasons set forth in the minute of the Committee of the Executive Council of this Province, a copy of which accompanied His Excellency's Message, it would greatly tend to the welfare and contentment of the people of Canada generally, were the Seat of Government to be placed at the City of Montreal.

R.B. Sullivan,
Emy. Joliette,
J.B. Taché,
A. Dionne.

Adam Ferrie,
J. AEmS. Irving,
G.J. Goodhue,

Ordered, That an humble Address be presented to Her Majesty founded on the foregoing Resolutions.

Ordered, That an Address be presented to His Excellency, the Governor General, respectfully requesting His Excellency will be pleased to transmit their Address to the Queen, to Her Majesty's principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Ordered, That the foregoing Addresses be presented to His Excellency by the whole House.

Ordered, That the Honourable Messieurs De Blaquiére, Morris, Sherwood, and Draper, do wait on His Excellency, the Governor General, to know what time His Excellency will please to be attended with the said Addresses.

Monday, 16th October, 1843.

The Honourable Mr. De Blaquiére reported that the Honourable Messieurs Morris, Sherwood, Draper and himself had, according to order, waited on His Excellency, the Governor General, for the purpose of knowing when His Excellency would be pleased to receive this House with their Address to Her Majesty on the subject of the Seat of Government, and that His Excellency was pleased to name one o'clock to-morrow afternoon for that purpose.

Tuesday, 17th October, 1843.

The Honourable the Speaker informed the House, that in consequence of the delay which his interview with His Excellency, the Governor General had this day caused, His Excellency had been pleased, at his request to appoint to-morrow, at the hour of half past one, to receive this House with the Address to Her Majesty, instead of to-day.

Wednesday, 18th October, 1843.

The Honourable the Speaker reported, that the House did this day wait on His Excellency, the Governor General, with their Address to the Queen

(99)

on the subject of the Seat of Government, to which His Excellency was pleased to return the following answer:--

"Honourable Gentlemen:

"I will transmit your Address to Her Majesty's Secretary of State for the purpose of its being laid at the foot of the Throne."

Proceedings on
Seat of Gov't
to be printed.

On motion of Mr. Cartwright, seconded by Mr. Williams,

Ordered, That one thousand copies of the proceedings of this House on the subject of the removal of

the Seat of Government, be printed for the use of the Members of this House.

Bill for relief of
S.B. Harrison.

Ordered, That the Honourable Mr. Boulton have leave to bring in a Bill to authorize the Court of Queen's Bench, and the High Court of Chancery, at their discretion to admit Samuel B. Harrison, to practise as an Attorney and Solicitor thereof, respectively.

He accordingly presented the said Bill to the House and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Orders Postponed.

Ordered, That the remaining Orders of the day be postponed until Monday next.

Petition of R.
Jones, Esquire,
and others, re-
ferred.

Resolved, That the Petition of R. Jones, Esquire, and others, Inhabitants of the Parishes of Sorel, St. Michel, and other places, be referred to a Select Committee, composed of the Honourable Mr. Viger, the Honourable Mr. Morin,

Mr. Watts, Mr. Armstrong, and Mr. Boutillier, to examine the contents thereof, and to report with all convenient speed, with power to send for persons, papers, and records.

Then on motion of Mr. Cartwright, seconded by Mr. Prince,
The House adjourned until Monday next.

FOOTNOTES - 4 NOVEMBER 1843.

1. LA MINERVE, 9 November 1843, mentions the Assembly's sitting in passing, while devoting most of its parliamentary report to the Legislative Council instead. The other papers did not bother to report the proceedings for this day.

MONDAY, 6 NOVEMBER 1843.

(99)

15 Petitions
brought up.

THE following Petitions were severally brought
up and laid on the Table:--

By the Honourable Mr. Sherwood--The Petition of the Council of
King's College at Toronto.

By the Honourable Mr. Attorney General Baldwin-- The Petition of
the Reverend A. Gale and others, Inhabitants of the Town of Kingston.

By the Honourable Mr. Viger--The Petition of Benjamin Esty and
others, Inhabitants of the Parishes of St. Eustache, St. Benoit, and
other places.

By Mr. Dunlop--The Petition of Major Smith and Henry Mosher; the
Petition of Mrs. Catherine Jane Kidd, widow of the late Robert Kidd,
of the Township of Kingston; and the Petition of Pate Cuggy, of the
Township of Warwick in the Western District.

By Mr. Cameron--The Petition of Josias Richey, Deputy Surveyor.

By Mr. Christie--The Petition of William Tate and George Tate,
Forwarders and Carriers between the Ports of Montreal and Quebec.

By Mr. De Witt--The Petition of Henry Corse and others, Inhabit-
ants of the City of Montreal.

By Mr. Henry Smith--The Petition of William Hunt and others,
Inhabitants of the Township of Pittsburgh.

By Mr. La Coste--The Petition of Laurent Benoit, fils, and others,
of the Parish of St. Antoine De Longueuil, and of Boucherville.

By Mr. Holmes--The Petition of the Reverend William Thompson and
others, Inhabitants of the City of Montreal and its vicinity; the
Petition of the Reverend Mark Willoughby and others, Inhabitants of
the City of Montreal and its vicinity, (relating to Education): the
Petition of the Reverend David Black and others, Inhabitants of Ste.
Therese de Blainville, and its vicinity (relating to the University
of McGill College) and the Petition of the Reverend David Black and
others, Inhabitants of Ste. Therese de Blainville and its vicinity
(relating to the Act passed by the Presbyterian Synod of Canada, in
July last.)

Petition of Lord
Bishop of Toronto.

By Mr. Cartwright--The Petition of the Right
Reverend Lord Bishop of Toronto; setting forth:

That a Bill has been presented for the consideration of Your
Honourable House entitled, "An Act to provide for the separate
exercise of the Collegiate and University functions of the College
established at the City of Toronto, Upper Canada, for incorporating
certain other Colleges and Collegiate Institutions, of that division
of the Province, with the University, and for the more efficient
establishment and satisfactory government of the same," in which
Bill enactments are introduced, which, in the opinion of Your
Memorialist, are subversive of the sacred rights of conscience as

well as of property, and altogether repugnant to the British Constitution, and to civil and religious liberty. And although your Memorialist deems it impossible for Your Honourable House to countenance a measure so deadly to the best interests of man, yet the very fact that it has been presented, is so alarming as to justify a brief reference to its objects, its character, and its consequences.

First--its objects. The leading object of the Bill is to place all forms of error upon an equality with truth, by patronizing equally within the same Institution, an unlimited number of sects whose doctrines are absolutely irreconcilable--a principle, in its nature atheistical, and so monstrous in its consequences, that if successfully carried out it would utterly destroy all that is pure and holy in morals and religion, and would lead to greater corruption than anything adopted during the madness of the French Revolution, when that unhappy country abjured the Christian Faith and set up, in its stead, the worship of the Goddess of Reason. Such a fatal departure from all that is good, is without a parallel in the history of the World, unless indeed some resemblance to it can be found in Pagan Rome, which, to please the Nations she had conquered, condescended to associate their impure idolatries with her own. 2. In accordance with this Godless principle, the second object of the Bill is to destroy the Royal charter of the University of King's College and to deprive it of its endowment, and to apply the latter to purposes which His late Majesty, King George the Fourth, never contemplated, much less those who petitioned successfully for the Charter and endowment. Two things were prayed for; first--the means of educating young men for the Ministry of the United Church of England and Ireland, the Church of the Empire, and of which the Sovereign is the temporal head. Secondly, the power to open the College or University for secular learning to the whole population. Both were most graciously granted by the reigning Sovereign. The University was placed under the government of a Council whose members were all of the United Church of England and Ireland, that, in this, the most important point, namely Religion, there might be perfect unity.

The Visitor was the Bishop of Quebec, and the President the Archdeacon of York; so that the religious teaching in the University

(100)

might be that which the Royal founder professed, and was sworn to maintain as the religion of the Empire. Now it is to be remembered that His late Majesty, King George the Fourth, had an undoubted right to grant the Charter and endowment, and being once granted, after long and careful inquiry and deliberation, as was the case in this instance, I contend firmly, but respectfully, that it is not competent for any power or authority to take them away, or to apply them to purposes foreign to, and inconsistent with, the Royal intention. The

King, in virtue of His Coronation Oath, had not the power to patronize or establish any other form of worship within the University of King's College than that of the National Faith, and it is well known that His Majesty neither did nor could profess any other, and yet the proposed Bill drops the principal object of the Charter, namely, that so far as religious instruction is concerned, the Christianity taught shall be that of the United Church of England and Ireland, and no other, and opens the door to every species of error taught by the numerous sects which have dissented from the pure branch of the Catholic Church of Christ. So deeply was the Venerable Society, for the Propagation of the Gospel in Foreign Parts, impressed with this view of the subject that they presented a selection of the works of the best Divines of the Church of England, to the amount of five hundred pounds sterling, as a commencement of a Library for the Divinity department.

The Third prominent object of this deadly measure, is to restrain the Royal Prerogative so that no Royal Charter shall in future be granted for the establishment of any Seminary whatever, with power to confer degrees, except the proposed Institution, and which is to be constituted a complete monopoly of Science and of what it calls Divinity, and so to preclude any class of Her Majesty's subjects whatever their wishes may be, from escaping its tyrannical and intolerant provisions, and prevent them from erecting Seminaries for the secular and religious instruction of their own youths, thus instituting a refinement of intolerance and slavery unknown in the worst of times.

The Fourth object is insidiously and indirectly, but virtually and effectually, to proscribe in this British Colony, the Church of England, the Bulwark of the Protestant Faith, the Church of the Sovereign and of the Empire; to degrade her Ministry by excluding them from all professional education and academical honors, except with the sacrifice of conscience; and such is the bitter hostility manifested by the framers of this measure to the national faith that they seek to insult the Church of England in the person of your Memorialist by inventing for him a new title instead of "Bishop of Toronto" conferred upon him by his Sovereign, with whom the sole power rests, by the British Constitution, of establishing Bishopsrics and settling the titles of the incumbents thereof.

Secondly, the character of the proposed University.--It is decidedly irreligious and revolutionary, since it not only attempts to hold up the Christian Religion to the contempt of wicked men, by establishing in the same Seminary, various denominations, whose principles are hostile and irreconcilable, but disturbs social order by unsettling the property of the whole country. The University of King's College holds its endowments by the same title by which the lands of the Colony are held by their proprietors, and the Legislature may, with equal justice seize upon and confiscate

the property of individuals as that of the University. It is even worse than revolutionary, for the endowment of King's College, New York, was left untouched by the Revolution, and remains, at this day, in the sole possession of that Institution. The only change was the name, which, after the peace of 1783, was altered from "King's College" to "Columbia College"--so far were our neighbours from breaking down, or even molesting, literary and religious Institutions, that they have at all times been zealously disposed to support and to build them up; much less have they attempted the monstrous novelty of combining all sorts of religious sects in one great Institution. On the contrary, they have been liberal in bestowing grants on the Colleges of different persuasions, each separate from the other, and they have been most scrupulous, in all they did, to guard and protect the rights of conscience; they felt, that to establish and build up, requires wisdom and ability, but to break down what is useful, venerable and holy, requires, instead of ability and talent, the mere exertion of arbitrary and reckless power. The most prominent result of such an experiment as that of uniting all denominations of Christians, as well as persons of no religion, in the management of the same Institution, must, of necessity, be anarchy. It is certainly the first experiment of the kind ever contemplated in any country; and to hope that a University so managed can proceed in harmony and with efficiency, is to set at nought all former experience. It is true the Charter has been already altered by the Legislature, but such alteration had been previously assented to by the Crown, and it left the vital portions uninjured. The endowment remained untouched, and the Divinity department was maintained on its original footing; and while nothing can be more open or less exclusive in its character than the Charter of King's College now is, yet it is secured from anarchy and confusion, and its efficiency made certain, by vesting the power of carrying its provisions into effect, so far as appointments are concerned, in the Crown, where it ought to be, and which I firmly believe to be satisfactory to the great majority of the population.

Thirdly, its consequences.--It excludes, from all participation of the advantages granted by the Royal Charter and Endowment, the Church for whose benefit they were more especially designed, except on conditions to which that Church can never consent. Lamentably would the United Church of England and Ireland descend from her high and holy position, were she to place the purity of her doctrine, and the teachers thereof in the great school of her faith--the nursery of her Bishops, Presbyters and Deacons--either directly or indirectly, under the controul of Bodies of which some have no acknowledged religious character, and others are the avowed foes of her Articles, Creeds and Discipline. When I consider the sacred responsibilities entailed upon those whom God has called to preside over the studies of the youth designed for the Ministry of our Holy Church, I feel that it is impossible they can be suffered

to take part in such an Institution as that contemplated.--If it be said that neither the proposed Caput nor Board of Control are to be permitted to meddle with the Divinity Students, then why should they be attached to an Institution so unnaturally combined as that which the Bill seeks to establish. But this cannot be. The proposed University, through its Caput, Board of Control and Convocation, legislates for, executes the laws, and controls the several Colleges, as it may think fit; and under such a system neither the Students of the Church of England nor their Instructors can be preserved from dangerous associations, and from the constant presence of error and schism, against which we are bound to pray. The measure unsettles all property, by depriving the University of King's College of an endowment which is the gift of the Crown, and thus it introduces a precedent the most destructive to the

(101)

very existence of Society. If the patents for land are to be touched, there is an end to the permanency of any Institution, and public and private property is alike placed at the mercy of a reckless and changing majority. The University of King's College holds its property by direct grant from the Crown, and its title to the same, is equally, if not more clear than that by which the Religious and Collegiate Institutions of Lower Canada, in general, hold theirs; though very inferior in value and extent: but if it is to be confiscated without reason, and applied at the will of the Legislature, it is only the commencement of an evil that all good men must deplore. There may be a majority found (though I do not believe it) willing to confiscate the endowment of the University of King's College: but, in a very short time, should so wicked a thing be consummated, another majority will be found, fortified by so unprincipled a precedent, to confiscate the like endowments in Lower Canada; for it is not to be supposed, that when confiscation once commences, it will be permitted to stop, more especially since the temptation will be much greater. The endowment of the University of King's College amounts only to two hundred and twenty-five thousand acres, whereas the property belonging to the Collegiate and Religious Institutions of Lower Canada, exceeds two millions of acres, as appears from the following table:--

The Ursuline Convent of <u>Quebec</u> ..	164,616
The Ursulines of <u>Three Rivers</u> ..	38,909
Recollects.....	945
Bishop and Seminaries of <u>Quebec</u> ..	693,324
Jesuits.....	891,845
St. Sulpicians, <u>Montreal</u>	250,191
General Hospital, <u>Quebec</u>	28,497
Do. <u>Montreal</u>	404
Hotel Dieu, <u>Quebec</u>	14,112

 2,125,179 Acres.

Your Memorialist deprecates touching one single acre of these Endowments. They are all dedicated to sacred purposes, and should be held sacred. What he contends for is, that the endowment of the University of King's College is equally sacred; and that if it be taken away (which God forbid) the time will come, sooner or later, when so destructive a precedent will be applied to their confiscation. Your Memorialist, therefore, prays that the endowment of the University of King's College may remain as it is, undisturbed; and he feels assured that no one who honestly wishes to preserve the endowments in Lower Canada can, with any consistency, vote for its confiscation.

A third consequence will flow from this measure, should it unfortunately pass, highly detrimental to the character and working of the British Constitution. The Crown will be degraded in the eyes of the people, and henceforth its gifts will be despised as so much waste paper, and the salutary influences of the Sovereign, and Representatives, become unfelt and unknown.

A fourth consequence will be, the certain disgrace that so wicked a measure, should it become law, will reflect upon the Province. No attempt has ever been made, in any country professing Christianity, to place all the errors of weak and wicked men on an equality with Gospel truth. An attempt was indeed made in Prussia, some years ago, by a stretch of tyrannical power, scarcely compatible even with despotism, to amalgamate, as it were, the Lutheran and Calvinistic denominations, but it has signally failed. Men are not machines, nor are their minds malleable like iron--what a melancholy specimen of the march of intellect, in the nineteenth century, does this dishonest and intolerant measure exhibit.

Another consequence of the measure is, that it destroys the value of Academical degrees; for those it confers will, at best, be acknowledged only within the Province; whereas, degrees conferred under the Royal Charter, are recognised throughout the British Empire, because they emanate from the Crown--thus the destruction of the Charter of the University of King's College takes away all that is honourable in the degrees, and leaves them worthless. Again, the provisions of the Bill preclude the slightest hope that any one will ever, by gift or bequest, endow a Literary or Religious Seminary in this unhappy Province: no person could be found so foolish as to do so under restrictions so absurd--restrictions which hinder the donor from giving the power of management of the endowment to whom he chooses and in the way he desires, or to acquire from the Crown the immunities and privileges essential to a University, and which

confer upon it, dignity and importance. A further pernicious consequence which must flow from this measure is the precedent which it affords of meddling continually, and Session after Session, with Seminaries of learning, and which ought never to be touched, except in cases of extreme necessity. The senseless and unjust clamours raised against the University of King's College, operated so far, a few years ago, upon a Government, more disposed at the time to yield to expediency, than adhere firmly to sound principle, as to induce it to countenance certain amendments of the Charter (as they were called), and in which, for the sake of peace, the College Council reluctantly acquiesced, and certainly in the hope, that the Institution would never again be molested. But although its enemies were for a time satisfied, yet the desire of novelty which generally marks the absence of correct principles, has called up a new conspiracy against King's College, and the result is the measure now before your Honourable House, in which its enemies seem cordially to agree (if in nothing else) in their implacable enmity to the Church of England, and are willing to surrender or modify their distinctive views and doctrines, provided they can accomplish the destruction of the only Literary and Religious Institution of any character within the Province of Upper Canada. Precedents are thus afforded, of continually disturbing the University of King's College, and destroying that tranquillity and repose which are essential to the prosperity and well being of seats of learning.

Fourthly.--Having thus touched upon the objects, character, and consequences of the proposed measure for destroying the University of King's College, and seizing its endowments, it does not appear necessary for your Memorialist to dwell upon the details of the Bill, for if it be, as your Memorialist is convinced, based on principles at once inconsistent with the rights of conscience and of civil and religious liberty, it is of little importance to enter upon the minor objections, such as the deplorable unacquaintance with Literary Institutions every where displayed, the cumbrous and impracticable machinery, the discordant nature of the bodies in which the various powers are lodged, &c. &c.

It may be sufficient to remark, that the adoption of the Bill will be, to destroy a noble Institution, which, if left unmolested, would, in a short time, shed a lustre over the whole Province; and this without the slightest necessity, since it is quite competent for the Legislature to grant separate endowments to such Christian denominations as it may delight to honour, without trenching on the rights of the Church of England, or the integrity of the University of King's College.

(102)

In conclusion, your Memorialist respectfully, but of right, claims the continuance of the same protection, privileges and immunities for the University of King's College which are possessed, without hindrance or molestation, by the Roman Catholic Seminaries and Institutions of

Lower Canada, and to which it is equally entitled, by every principle of justice and honour.

Should your Memorialist unhappily fail in arresting the further progress of this fatal Bill in the Provincial Legislature, he has still the consolation to know, that it is one of those measures which cannot be finally disposed of by the Colonial Authorities, as it deals with and compromises the most important principles of Revealed Religion, and must be referred to the Imperial Parliament; and he feels satisfied that it will be viewed by that August Body in the same light as a measure obnoxious to every right principle, human and Divine, offensive to conscience and social order, and such as cannot be entertained, for a moment, by a Christian Nation.

John Toronto, L.S.

Petition of the
Lord Bishop of
Toronto read.

On motion of Mr. Cartwright, seconded by Mr. Prince,
Ordered, That the last preceding Petition be now read, and that the Rule of this House of the 26th June, 1841, be dispensed with as to the present Petition.

The said Petition was read accordingly.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of W.T. Cameron and others, Inhabitants of the Town of Niagara and its vicinity; praying for certain amendments to the Charter of the University of King's College.

Of C.O. Ermatinger and others, Inhabitants of the Parish of St. Armand West; praying for certain amendments to the Common School Act.

Of Hugh Urquhart and others, Inhabitants of the Town of Cornwall and its vicinity; praying for certain amendments to the Charter of the University of King's College.

Of Thomas Webb and others, Members of the Baptist Congregation at Walpole, in the District of Niagara; praying that the benefits of the Universities of King's College, at Toronto, and McGill College, at Montreal, be extended equally to all classes of Her Majesty's subjects.

Of James Garrick and others, Members of St. Andrew's Church, at Niagara, in connection with the Synod of Canada; praying for the passing of an Act to provide for the management of the Temporalities of the Church of Scotland in this Province.

Of Jean Baptiste Daut and others, Inhabitants of the Parish of

Saint Eustache, in the County of the Lake of Two Mountains; praying that they may be allowed to use such construction of winter carriages as they find most advantageous.

Of Mrs. Jane McElheran, widow of the late Alexander McElheran, Serjeant in the third Regiment of Northumberland Militia, of the Township of Murray, in the District of Newcastle; representing that, in consequence of her husband's death, which was occasioned by hardships endured in Her Majesty's service during the late rebellion, she is in a most destitute condition, and praying relief.

Of Hugh Campbell and others, Inhabitants of the District of Brock; praying for the passing of the University Bill, now before the House.

Of William Barker and others, Inhabitants of the village of Paris and other places; praying for the passing of the University Bill, now before the House.

Petitions referred.
John H. Cornell and
others.

Ordered, That the Petition of John H. Cornell and others, Inhabitants of the Township of Norwich, in the District of Brock, be referred to the Committee of the whole House, on the Bill to provide for the Incorporation of Townships, Towns, Counties and Cities in Upper Canada.

P.C. Valois.

Ordered, That the Petition of P.C. Valois and other Inhabitants of the Parish of Lachine and other places; and the Petition of William Mackintosh and other Inhabitants of Lower Lachine, both presented to the House on the second of October last, be referred to the Special Committee to which was referred the Petition of Simon Valois and others, Inhabitants of Côte St. Michel, Côte de la Visitation, and of the St. Mary's Current, in the Parish of Montreal, and other References.

Lord Bishop of
Toronto.

Ordered, That the Petition of the Right Reverend the Lord Bishop of Toronto, be printed for the use of the Members of this House.

On motion of Mr. Leslie, seconded by Mr. De Witt,

Duties on Sugars.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House any Despatches or Communications that have been received from, or transmitted to, the Colonial Minister on the subject of the duties levied on Bastard Sugars.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House, as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Sherwood, seconded by Mr. Price,

*W.M. Kelly,
Esquire.*

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House at as early a period as possible, copies of all papers, documents and communications relating in any way to the dismissal or the cause of dismissal of William Moore Kelly, Esquire, from the situation of Collector of Customs at the Port of Toronto.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

*Leave of absence
to Mr. Franchère.*

Ordered, That Mr. Franchère have leave to absent himself from this House until the twenty-fifth of December next, on account of ill health.

Private Bills.

On motion of Mr. Hale, seconded by Mr. Quesnel,

Ordered, That the time for the reception of Private Bills, and for receiving Reports of the Standing Committee on Private Bills, be extended until the thirteenth instant.

COL. PRINCE moved that the house do resolve itself into a committee of the whole, to inquire into the best means to raise the necessary amount for paying the rebellion losses in Upper Canada, by taxing that section of the province only, or otherwise.¹ The gallant colonel said, that he had no desire to interfere with Lower Canada at all on the subject, but that the amount should be levied in Upper Canada, by assessment, or any other plan that could be carried into effect.²

MR. BOSWELL suggested, that it should be referred to a select committee, previous to a committee of the whole.³

COL. PRINCE said he was satisfied with the explanation given by Ministers, that the acts could not be carried out for want of funds, and he wished, as they were acts of Upper Canada, to saddle Upper Canada with the amount, and provide means of raising it.⁴

MR. HINCKS did not design to throw any obstacle in the way, but there were advantages in a special committee which induced him to prefer it.⁵ A select committee would facilitate rather than retard it.⁶ They could obtain information as to these losses - not all, but leading losses, so as to arrive to an approximation to the amount required to pay them; also, whether it were advisable to raise the amount by loan, or by direct tax; this being applied solely to Upper Canada. A select committee would be able to devise some feasible plan.⁷

MR. WILLIAMS said, it was desirable to pay these losses; but if it were attempted to do so, by assessment on Upper Canada alone, the attempt would be resisted. A select committee was preferable.⁸

DR. DUNLOP said, the people of Upper Canada feel that they have been cruelly ill used, in being required to sacrifice every thing, without compensation⁹, for the ruinous losses in 1837 and 1838.¹⁰ Some have lost largely - others their all, and nothing is repaid. Whoever may be in fault, he would exculpate himself, for he had done all he could to get the amount paid¹¹. He would much rather see these poor people paid, than that the canals should engulf such immense sums of money, year after year. Besides, it was to a certain extent imperative on the part of the government, to further this indemnity, as the losses that had been sustained were owing principally to Her Majesty's Government, - to the commissariat, instead of the rebels¹², and invaders¹³. It was that which made him (Dr. Dunlop) throw up with disgust, that high and honourable situation he had filled, of commandant in the Huron District.¹⁴ While he held it, he did not allow the public to be wronged in any way, as it may be supposed they were, in many of these charges for losses. He had every damage done, examined by competent persons, estimates thereof made, and swore every man to the correctness of his accounts.¹⁵

MR. THORBURN said, they could not originate a money bill, except in committee of the whole. A select committee could do nothing more than arrange details. He had been a member of such a committee, in previous sessions, and it was impossible to arrive at any estimate of the losses.¹⁶

SIR ALLAN MACNAB wished to know if, by referring this subject to a special committee, his hon. friends meant to pay these losses. Ministers ought to have turned their attention to this subject. It is a disgrace that these brave men are still unpaid. Objection is made to taxing Upper Canada, and not Lower Canada; but something should be done, for the faith of Upper Canada was pledged by her representatives.¹⁷ The bill had received the Royal assent, and it was imperative to redeem the pledge.¹⁸ If all militia men in the province would tax themselves a dollar each, and pay it to those who were in the front of the battle, while their more fortunate companions were at home, the amount would be raised at once.¹⁹

MR. DURAND. - Should the house go into committee of the whole, he would not support it.²⁰ This was a matter of some difficulty; for, if we grant this money, many will come from Lower Canada and claim compensation.²¹ The country was already impoverished enough, and the farmers had too much need of roads, to cherish the idea of raising money for such a purpose as this.²²

MR. SHERWOOD was utterly astonished that the member for West Halton, should so soon have forgotten his generous feelings. It was only the

other evening that he voted an indefinite sum of money, whether two or three hundred thousand pounds, for the erection of parliamentary buildings in a third place in the province; and now, when the honour of the country was proposed to be redeemed, by complying with the dictates of justice and humanity, the hon. gentleman was dumb-founded (sic) by the claims of the farmers for roads, and the poverty of the country; neither of which had even floated upon his vision, however dimly, when he evinced an eagerness to squander hundreds of thousands, and wring the last shilling from a people he described as so utterly impoverished. Such a contrast of prodigality on the one hand, and cruel parsimony on the other, required no comment. But what could be said of the government, when a petition had been rejected by it in the other house, from a poor suffering widow, purely because, as she belonged to the loyal party, the present government would be compromised, by entertaining her prayer! He (Mr. Sherwood) hoped, however, that the government would consent to some course that would liquidate these just claims. From among hundreds of instances, he would mention the case of one poor widow, who had lost everything at the attack at Windmill Point, and was now in a state of destitution.²³

MR. JOHNSTON said, he gave his remuneration as a member of Parliament, to the widows and orphans caused by the rebellion, and wished he could say the same of some others²⁴, who calmly looked on, with their hands folded, while rebellion stalked through the land.²⁵

MR. BALDWIN observed that with regard to the poor woman's petition, that had been alluded to, every sympathy had been evinced for her; but, as had been stated on previous occasions, such was the dilemma in which the government was placed, that no remedy could be devised for these losses. The attack upon the government he thought very ill-timed.²⁶

(102)

Claims for Losses.

Resolved, That a Select Committee composed of

Mr. Prince, Mr. Merritt, Sir Allan N. Mac-Nab, the Honourable Mr. Sherwood, and Mr. Crane, be appointed to ascertain whether any, and if so, what plan can be devised to indemnify the losses and satisfy the claims sustained and made by individuals during the late Rebellion and Invasions of the late Province of Upper Canada, and for carrying into effect the provisions of certain Acts of the Province of Upper Canada, and of this Province, passed in the third, fourth, and fifth Victoria, to report thereon with all convenient speed, with power to send for

(103)

persons, papers, and records.

Administration of
Justice Lower
Canada.

The Order of the day for the House in Committee on the Bill to amend the Law relative to the Administration of Justice in Lower Canada, being

read,

*The House accordingly resolved itself into the said Committee.
Mr. Leslie took the Chair of the Committee,*²⁷

MR. LESLIE ²⁸ spoke in such a low tone, that it was scarcely possible to hear²⁸.

MR. D.B. VIGER remarked that it was degrading to the Circuit Judges to make them act as Police Magistrates²⁹, as provided by the bill.³⁰

MR. NEILSON opposed extending the jurisdiction of the Police Magistrates over the district of Quebec. That district had between 70 and 80 parishes; and 50 of them never had a law suit, nor ever had a criminal sent to gaol. There were thousands of greedy men swarming over the country plaguing the Government for situations, and this bill seemed intended to provide for them.³¹

In reply to this, MR. LAFONTAINE observed, that the bill contained no such enactment; but³² that the design of making Circuit Judges Superintendants of Police, when off circuit, was to save the expense of separate Police Magistrates³³ ((who)) perform the duties ... ((prescribed)) by Lord Durham's special ordinance³⁴. He thought, when the corporate charters of Montreal and Quebec were amended, it would be necessary to appoint a Recorder in each city, to be paid by the citizens; and then these Circuit Judges would cease to be concerned in Police business: but at present, it is advisable to employ them in this way. It was designed to make them the same as the District Judges of U. Canada.³⁵ With regard to the degradation, it was merely to substitute a professional man for one unacquainted with the law.³⁶

MR. AYLWIN said, the object was to save the province £ 400 per annum.³⁷

MR. CHRISTIE understood the clause to mean, that three officers now employed, namely: the Superintendant of Police, the Chairman of Quarter Sessions, who is not paid, but who probably must be paid, in future, if we expect to have the office filled, and the Commissioner of Bankrupts, who, though not paid by the province, receives large sums from fees, should take upon them the duties of Circuit Judges, and thus save the salaries.³⁸

MR. BOULTON thought it not right for Circuit Judges to act as Police Magistrates, day by day, when not on circuit.³⁹

MR. BLACK said, by this bill, there are six distinct offices put upon one man, and he thought it would require more than average talent to fill them.⁴⁰

((Messieurs CHABOT, QUESNEL et HAMILTON ont parlé aussi.))⁴¹

Après quoi, on est convenu que les 23e et 24e clauses, ayant rapport à la nomination des juges de circuit et à l'extension de la police dans les districts de Montréal et de Québec, et les 28e et 64e clauses, ayant rapport, la première aux temps et lieux où se tiendront les Cour (sic) de Circuit, ainsi qu'à leur compétence, la deuxième, disposant des causes en litispendance lors de la mise en vigueur de la nouvelle loi, seront soumises à une (sic) nouvel examen, ainsi que le tarif.⁴²

M. LAFONTAINE proposa en suite que cet examen ait lieu jeudi prochain.⁴³

((Cette motion)) est agréée (sic) à l'unanimité.⁴⁴

Le salaire des juges de circuit est fixé à £ 500, les frais de voyage compris. Tout propriétaire de biens-fonds valant £ 50 en sus de toutes charges pourra être caution en cas d'appel. Tout contrevenant au tarif sera passible d'une amende de £ 20. Les greffiers de la Cour du Banc de la Reine, ou du Roi, selon que le monarque sera de l'un ou de l'autre sexe, pour les districts de Québec et de Montréal, fourniront des cautions au montant de £ 2000; ceux de la même cour pour les districts des Trois-Rivières et de St. François, au montant de £ 1000, et les greffiers des Cours de Circuit, au montant de £ 250, le tout en cours actuel. L'acte entrera en pleine vigueur le 21 avril prochain.⁴⁵

During the debate, MR. LAFONTAINE stated, that he had no doubt but the income of the Commissioner of Bankrupts, derived from fees, was £ 1,500 per annum.⁴⁶

(103)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Thursday next.

Orders postponed.

Ordered, That the remaining Orders of the day be postponed, until to-morrow.

*Then on motion of Mr. Hamilton, seconded by Mr. Forbes,
The House adjourned.*

APPENDIX, 6 NOVEMBER 1843.

((NOTICE OF PROPOSED MOTIONS.))⁴⁷

MR. HINCKS gave notice of a committee to consider the acts relating to the Welland canal, and of a bill to repeal the double security clause in the Bank charters.⁴⁸

((MR. MURNEY IS REFUSED SWEARING-IN CEREMONY.))⁴⁹

Sur les sept heures du soir donc, pendant que la Chambre était en délibération, on entendit tout-à-coup des hurlemens épouvantables qui annonçaient qu'une troupe de furieux s'avançaient de ce côté. La pensée vint à plusieurs que c'était un coup de main des ignorastes contre le Parlement; mais attirés par le bruit confus de cette troupe de crillards (sic), l'on pût se persuader que ce n'était rien moins que la bande d'histrions de Hastings qui venait hurler l'insulte contre le corps dont leur élu allait faire partie. En effet, plusieurs voitures à quatre chevaux, précédées par des cavaliers portant pavillons, s'avancèrent dans la Cour du Parlement au dessous même des croisées de la Salle des délibérations, et les cris redoublèrent; j'estime qu'il pouvait y avoir depuis 6 à 700 individus qui paraissaient au dernier point d'excitation. La voiture qui traînait le triomphateur s'arrêta au milieu de ce charivari, et l'on vit à l'instant le candidat debout s'adresser à ses dignes amis dans les termes à la fois les plus violens contre le gouvernement et les plus pleins de mépris pour la Chambre et l'hon. Mr. Baldwin en particulier. Cette bacchanale dura toute une heure, pendant laquelle le Dr. Dunlop et Mr. Johnston prirent la peine de sortir de la Chambre pour aller haranguer eux aussi leur nouveau partisan élu; le premier le reçut dans ses bras paternels le coeur et les yeux inodés; l'autre félicita ce troupeau qui faisait peur à voir et recommanda la paix.

Quant au candidat, après avoir épuisé son dictionnaire de bacchante, il entra dans l'enceinte législative⁵⁰. The hon. gentleman, however, was not sworn in; the Clerk of the Crown in Chancery, they say, refusing to attend for this purpose.⁵¹

FOOTNOTES - 6 NOVEMBER 1843.

1. The debate on this matter was reported in: ST. CATHARINES JOURNAL, 23 November 1843, copied from the KINGSTON HERALD; and in identical accounts in the BRITISH COLONIST, 9 November 1843, MONTREAL GAZETTE, 10 November 1843, and KINGSTON CHRONICLE, 18 November 1843.
2. BRITISH COLONIST, 9 November 1843.
3. IBID.
4. ST. CATHARINES JOURNAL, 23 November 1843.
5. IBID.
6. BRITISH COLONIST, 9 November 1843.
7. ST. CATHARINES JOURNAL, 23 November 1843.
8. IBID.
9. IBID.
10. BRITISH COLONIST, 9 November 1843.
11. ST. CATHARINES JOURNAL, 23 November 1843.
12. BRITISH COLONIST, 9 November 1843.
13. ST. CATHARINES JOURNAL, 23 November 1843.
14. BRITISH COLONIST, 9 November 1843.
15. ST. CATHARINES JOURNAL, 23 November 1843.
16. IBID.
17. IBID.
18. BRITISH COLONIST, 9 November 1843.
19. ST. CATHARINES JOURNAL, 23 November 1843.
20. BRITISH COLONIST, 9 November 1843.
21. ST. CATHARINES JOURNAL, 23 November 1843.
22. BRITISH COLONIST, 9 November 1843.
23. IBID.
24. ST. CATHARINES JOURNAL, 23 November 1843.
25. BRITISH COLONIST, 9 November 1843.
26. IBID.
27. The debate on this matter was reported in: LA MINERVE, 9 November 1843, which was copied by LE CANADIEN, 10 November 1843; ST. CATHARINES JOURNAL, 23 November 1843, which copied the KINGSTON HERALD; L'AURE, 9 November 1843; and BRITISH COLONIST, 9 November 1843, MONTREAL GAZETTE, 10 November 1843, and KINGSTON CHRONICLE, 18 November 1843, in identical accounts. A commentary can be found in MONTREAL TRANSCRIPT, 11 November 1843, which states that LaFontaine and Aylwin were the most prominent speakers. LA MINERVE, 9 November 1843, gives an order of speakers but no speeches, and its report does not coincide with the only two available sources for speeches. All speakers listed in LA MINERVE are noted, but not in the order indicated, which is: Chabot, LaFontaine, Viger, Quesnel, Aylwin, Hamilton, Neilson, Christie, and Black.
28. BRITISH COLONIST, 9 November 1843.
29. ST. CATHARINES JOURNAL, 23 November 1843.
30. BRITISH COLONIST, 9 November 1843.
31. ST. CATHARINES JOURNAL, 23 November 1843.
32. BRITISH COLONIST, 9 November 1843.
33. ST. CATHARINES JOURNAL, 23 November 1843.

34. BRITISH COLONIST, 9 November 1843.
35. ST. CATHARINES JOURNAL, 23 November 1843.
36. BRITISH COLONIST, 9 November 1843.
37. ST. CATHARINES JOURNAL, 23 November 1843.
38. IBID.
39. IBID.
40. IBID.
41. LA MINERVE, 9 November 1843.
42. IBID.
43. IBID.
44. IBID.
45. IBID.
46. ST. CATHARINES JOURNAL, 23 November 1843.
47. This notice was reported in: ST. CATHARINES JOURNAL, 23 November 1843, which was copied from KINGSTON HERALD.
48. ST. CATHARINES JOURNAL, 23 November 1843.
49. The following was reported in: BRITISH COLONIST, 9 November 1843; MONTREAL GAZETTE, 9 November 1843; and L'AURE, 11 November 1843. L'AURE, 11 November 1843, gives the time as about 7 o'clock; MONTREAL GAZETTE, 9 November 1843, as about 6:15; BRITISH COLONIST, 9 November 1843, 4:15. All three accounts are biased, L'AURE against Murney, BRITISH COLONIST, and MONTREAL GAZETTE, in his favour. L'AURE's version is used because it is the most complete.
50. L'AURE, 11 November 1843.
51. BRITISH COLONIST, 9 November 1843.

TUESDAY, 7 NOVEMBER 1843.

(103)

Hastings Election.

MR. SPEAKER informed the House that the Clerk of this House had received from the Clerk of the Crown in Chancery, a certificate of the election of a Member for the County of Hastings.

And the said Certificate was read, and is as followeth:--

Province of Canada.

Office of the Clerk of the Crown in Chancery.
Kingston, 7th November, 1843.

This is to certify, that in virtue of a Writ of Election, dated the ninth day of October last past, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the County of Hastings, (William Hutton, Esquire,) for the Election of one Member to represent the County of Hastings in the present Parliament, Edmund Murney, of the Township of Thurlow, in the County and Province aforesaid, Esquire, has been returned as duly elected accordingly, as appears by the return of the said Writ, dated the fourth day of November, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

The Honourable Mr. Morin, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Report on Education, The Report of the Superintendent of Education
Lower Canada, for Lower Canada, for the year 1842.

(For the said Report see Appendix Z.)

The following Petition was brought up, and laid on the table:

By Captain Steele--The Petition of Michael Ryan and others, Inhabitants of the Townships of Adjala and Mono.

Ordered, That two hundred and fifty copies of the Report of the Superintendent of Education for Lower Canada, for the year 1842, be printed in each of the English and French Languages, for the use of the Members of this House.

Orders postponed. Ordered, That the Order of the day for the House in Committee on the Bill for the consolidation and amendment of the Laws relative to Jurors, Juries, and Inquests, in that part of this Province called Upper Canada, be postponed until Monday next.

E. Murney, Esq., Edmund Murney, Esquire, Member for the County
takes his Seat. of Hastings, having previously taken the oath according to Law, and subscribed before the Commissioners the Roll containing the same, took his seat in the House.¹

Mr. Murney was introduced by SIR ALLAN MACNAB and DR. DUNLOP².

(103)

Limits of Cities &c. Ordered, That Mr. Murney be added to the Select Committee appointed to inquire into the present limits and divisions of the City of Toronto, and the different Towns and Villages having Police Regulations in Upper Canada.

University Bill. Ordered, That the Order of the day for the second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University--and for the more efficient establishment and satisfactory Government of the same, be postponed until Thursday the sixteenth instant.

Russell Election. Mr. Prince, Chairman of the Committee appointed to try the merits of the Petition of Alexander Findlay and other Electors, of the County of Russell, complaining of the undue Election and return of William Stewart, Esquire, as a Member to represent the County of Russell, in this present Parliament, reported to the House,

"That pursuant to adjournment, the Committee had met at eleven o'clock this day, and having waited for one hour, at the expiration of which Mr. Williams, one of their number, being absent, the Committee were thus unable to proceed to business, and begged to report the same to the House."

Mr. Williams being present in the House when the Report was made, he was called upon by Mr. Speaker for an excuse, which was made accordingly, and received by the House.

Banks. Ordered, That Mr. Morris have leave to bring in a Bill to authorize the Chartered Banks of this Province to open books in the United Kingdom for the transfer of their Stock.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Saturday next.

Losses Claims. Ordered, That Mr. Duggan and Mr. Morris be added to the Select Committee appointed to ascertain whether any, and if so, what plan can be devised to indemnify the losses, and satisfy the claims sustained and made by Individuals during the late Rebellion and Invasions of the late Province of Upper Canada.

Assessment Bill. Ordered, That the Order of the Day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Townships, Towns, and Cities, in Upper Canada be postponed until Thursday, the sixteenth Instant.

Timber Measurement Bill. Ordered, That the Order of the Day for the second reading of the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, and other articles of a like nature, be postponed until Friday next.

(104)

Common School Bill. Ordered, That the Order of the Day for the second reading of the Bill to repeal the Act now in force for the establishment and maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys, for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said moneys for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, be postponed until Wednesday next.

Loan & Trust Bill. Ordered, That the Order of the Day for the second reading of the Bill for Incorporating and granting certain powers to the Upper Canada Trust and Loan Company, be postponed until Friday next.

Banks Liability Bill. Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill to relieve the Shareholders of the several Banks therein mentioned, from liability beyond the amount of the shares subscribed, and for that purpose to amend the several Acts creating such liabilities.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

N. A. Colonial Association of Ireland. Ordered, That the Order of the Day for the second reading of the Bill to give further powers to the North American Colonial Association of

Ireland, be postponed until Friday next.

On motion of the Honourable Mr. Hincks, seconded by the Honourable Mr. Solicitor General Small,

Welland Canal. Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of amending a certain Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of his late Majesty William IV, intituled, "An Act to provide for the permanent completion of the Welland Canal and for other purposes therein mentioned"; and also a certain other Act of the Parliament of Upper Canada, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by private parties in the Welland Canal to be purchased on behalf of the Province."

Marriage Licenses. Mr. Christie moved, seconded by Mr. De Witt, that the Statement laid, in compliance with an Address of this House of the 10th October, 1842, before this House on the 16th of October last, by command of His Excellency, the Governor General, shewing the disbursements of the receipts arising from the sale of Marriage Licenses from the 10th February 1841, to the 31st December 1842, be referred to a Special Committee of seven Members, with power to send for persons, papers, and records, to report thereon with all convenient speed; and that it be an Instruction to the said Committee to enquire into and report upon the expediency of impeaching such Members of Her Majesty's Executive Council in this Province, as may have presumed to appropriate to themselves, or to advise, or permit the appropriation by others, of any part of such funds, without the previous consent and authority of the Provincial Parliament.³

The Hon. mover ((MR. CHRISTIE)) observed that a more iniquitous system of plunder and official speculation had hardly ever been known. He was quite nnable (sic) to comprehend what was meant by a loss arising from a paid salary to the secretaries, their salaries amounting to £1000 per annum, with the addition of £100 as Executive Councillors (Hear!) By the system that had been adopted, their emoluments had been increased to £1800 per annum. And Lord Sydenham was blamed for this! He (Mr. Christie) would like to know what right Lord Sydenham had to appropriate the money, or any body else without the sanction of Parliament! It amounted to, in fact, a robbery. The Hon. member here read over the various items of the printed statement. The principle, he (Mr. Christie) reprobated, was the appropriation of one shilling illegally. £ 250 was charged as passage money for Mr. Murdoch, who had received a salary equal to that of the Chief Justice. Such items were unprecedented in any public offices. And thus, after having seized upon all they thought proper, they modestly handed over to the Receiver General, a balance of one hundred and forty odd pounds! Whatever might have been Lord Sydenham's opinion

of the matter, the money ought not to have been received, but it should have been intimated to his Lordship, that it formed part of the consolidated revenue. This fund was either by the Union Act at the disposal of the Legislature, or a part of the territorial revenue; those, therefore, who had made use of it, were deserving of the censure of the House as well as of the country at large. He did intend at first to exhibit articles of impeachment against them⁴ ... but as the matter had been brought before the House, he thought it better to leave it to the committee. No such official depredation had ever been known in any other country. He (Mr. Christie) was unaware by what authority these fees were levied, but they were sacred, and no one had a right to touch them without the authority of Parliament.⁵

MR. HINCKS was happy to have an opportunity of giving some explanation upon the subject. An opinion prevailed, that this fund was at the disposal of the Governor General, and independent of the control of Parliament. He (the Inspector General), however, had always entertained a different opinion and considered that it ought to form a part of the consolidated revenues. Some of the items he entirely disapproved of, although there were others which he thought would have been sanctioned by Parliament had they been laid before it. With reference to the secretaries appropriating any portion of it, he (the Inspector General) had always been averse to such a course, and it had now ceased; the faith, however, of the Crown had been pledged to make up to these gentlemen, the loss which they had sustained by having their emoluments curtailed by the Act of Union. The statement that they had been receiving £1800 per annum, was incorrect, the amount was about £1500. Previous to the Union, their emoluments were derived principally from fees, which being reduced, the deficiency has been made up thus. It was, however a system that he (the Inspector General) was entirely opposed to, and he knew that the House would never sanction it. The Government were perfectly willing so (sic) give every information they could on the subject. He hoped, therefore, that a Committee of Enquiry would not be appointed, but (sic) that if the House was determined to proceed in the matter, as the most direct course to pursue, articles of importance would be exhibited forthwith.⁶

MR. CHRISTIE, in reply, remarked, that instead of the Secretary East (Mr. Daly) receiving only £1500 per annum, he had been in the receipt of more than £1900 per annum. Besides, he had fastened upon Canada a Mr. Amiot, a pensioner, at the rate of £400 per annum - when at the same time that individual had never even entered the country. (Hear, hear.)⁷

MR. PRICE asked whether at the present time the Secretary East received any more than £1100 per annum, sterling?⁸

MR. HINCKS - No.⁹

DR. DUNLOP contended that whereas the Marriage License Fees went to the Church in England, so they belonged to the Governor General, who was

the head of the Church in Canada. His Excellency therefore, had a right to do what he pleased with them. (Cries of no, no.)¹⁰

MR. JOHNSTON represented Government officials as so many locusts who fattened upon the land, while the poor could scarcely get bread to eat. He hoped the motion would prevail, being of opinion, that had the Secretaries been present, they would have blushed to hear the debate.¹¹

MR. WILLIAMS would never sanction any contributions without the sanction of Parliament. Besides, there was no fixed charge in levying these fees. Some paid six, others eight, and ten dollars, although at the same time, only four dollars were accounted for to the Government for each license. Thus, in all probability, had a true account been rendered, the fund would have shown a total of £7000, and upwards, instead of £4000. (Hear, hear.)¹²

MR. THORBURN was of opinion that the Governor General had the same power over this fund as the Archbishop of Canterbury had over the Probate Court. He would suggest, however, that the Committee should enquire whether it would not be sufficient for the fee to amount to as much only as would pay the expense of registering. From the present exorbitant and variable charges, many were driven into the States to get married, which often gave rise to much scandal.¹³

MR. BOSWELL described the fund as a perfect jumble, a mixture of things sacred and things profane.¹⁴

COL. PRINCE reminded the House that no Court of Impeachment existed here. The motion would therefore have to be amended. In the first Session he had introduced a Bill to establish a Court of this kind which was much required, but from having other important business he had not been able to attend to it until it became a law.¹⁵

MR. BOULTON was in favour of an enquiry, but would go no further. The present Administration had held office only a short time, and ought to be allowed a fair trial. This fund had been similarly appropriated by other Governors to pay officials. Under all the circumstances, therefore, he would move an amendment rejecting that part of the resolution that had reference to impeachment.¹⁶

(104)

The Honourable Mr. Boulton moved an amendment, seconded by Mr. Wakefield, that all the words after "Speed," in the said motion, be struck out.

MR. BLACK'S argument went to show that it had been the practice to pay certain officers formerly out of this fund, and that no fees were paid with less irritation.¹⁷

MR. THORBURN desired that a searching inquiry should be made into all fees, and not into these only.¹⁸

MR. ((D. B.)) VIGER maintained that it was no revenue, but a kind of fee received by the Governor General - an ecclesiastical matter.¹⁹

MR. BALDWIN expressed opinions relative to this fund coming under the surveillance of Parliament, similar to those of his colleague the Inspector General. In future there need be no apprehension of a similar occurrence with reference to it; consequently, an enquiry was unnecessary. If, however, it was thought advisable to impeach those who had appropriated this money in accordance with long usage, he would prefer that some specific charge should be made, and articles of impeachment exhibited at once. With regard to the variableness of these fees which had been brought under the notice of the House, he (Mr. B.) considered this as deserving of the serious attention of the Government as great abuses would naturally arise from it, notwithstanding what might be said as to the larger amounts being paid out of compliment. (Hear, hear.)²⁰

MR. H. SHERWOOD considered that as the money had been appropriated without the sanction of Parliament it ought to be refunded - or else the Government ought to come down to the House and ask for an appropriation for it.²¹

MR. LAFONTAINE remarked, that if all were to be impeached who had held office since the 6th of November last, he (Mr. Sherwood) would be among the number.²²

MR. ((HENRY)) SHERWOOD replied, that he was willing to be impeached for all he had done while in office.²³

DR. DUNLOP said, that as a Magistrate, he might have exacted a marriage fee - but all the fee that he ever took, was a kiss from the bride. (A laugh!)²⁴

MR. WAKEFIELD said, that he rose to defend the memory of Lord Sydenham, as he saw no one else had done so. He (Lord Sydenham) had merely acted as many Governor's (sic) had done before him. With reference also to a friend of his then absent (Mr. Harrison) as well as one of the colleagues (sic) of the gentlemen on the treasury benches, (the Secretary East) their appropriation of the money was owing to Lord Sydenham's arrangement, in order to make up the deficiency in their emoluments arising from the Union. He (Mr. Wakefield) was much surprised that the Inspector General had expressed himself in a hesitating manner on this point, rather than in a positive tone.²⁵

MR. HINCKS explained. He had expressed himself on this point as fully as he could; but in the absence of official information as to what

the salaries of the Secretarie's (sic) really were, he (Mr. Hincks) of course, was not desirous of committing himself.²⁶

(104)

The Honourable Mr. Viger then moved, seconded by Mr. Dunlop, that the consideration of the said motions be postponed until Thursday next.

MR. CHRISTIE in answer to Mr. Wakefield, observed, that nobody in the House had brought any charge against Lord Sydenham. It was the present Governor General who had done so, in the statement relative to these friends in a message to the House.²⁷

MR. HARRISON who entered the House about this time, in his defence stated, that these fees had always gone to the Secretaries, - and that he as Secretary West, had received his portion of them. That by the Union, they had a fixed salary, which much diminished their emoluments. To made (sic) up for this, a sum of £250 had been appropriatee (sic) to each out of this fund. Whether justly or not, he was not prepared to argue. Lord Sydenham had always considered these fees as prerogative fees, and as such, at his disposal. If the appropriation of them, however, had been illegal, the House was as deserving of impeachment in consequence, as much as any Member of it. He would avail himself of the opportunity of condemning the false spirit of economy that was gaining ground, of paying public men barely enough to give them bread and cheese. By this ill judged system, men of talent would avoid taking upon themselves the responsibility of public affairs.²⁸

SIR A. MACNAB said, that instead of the Secretaries receiving £1000 per annum, according to the Union Act, they have been getting £1600 per annum. The enquiry was due under all circumstances to Mr. Harrison.²⁹

MR. MORIN deprecated (sic) the idea af (sic) refunding. Besides, one of the parties no longer held an office, and how was he to refund?³⁰

MR. CARTWRIGHT said, that before the Union, the salary of the Secoetary (sic) West, was only £200. He had known the fees amount in one year to £1500.³¹

((There were)) some further remarks³².

(104)

The Question having been put upon the said motion, a division ensued, and it passed in the Negative.

The Question being then put on the motion of amendment, the House divided thereon, and it was carried in the Affirmative.

And the Question being put on the main motion, as amended, it was agreed to unanimously, and

Resolved accordingly.

Ordered, That Mr. Christie, Mr. Wakefield, the Honourable Mr. Sherwood, Mr. Quesnel, Mr. L. M. Viger, Mr. Cartwright, and the Honourable Mr. Neilson, do compose the said Committee.

Summary Process.

A Bill to render more summary the means of enforcing the Returns of Process, by Sheriffs and Coroners in that part of this Province called Upper Canada, was, according to order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Tuesday next.

Cataragui Bridge.

A Bill to amend the Charter of the Cataragui Bridge Company, was, according to order, read a

second time.

Ordered, That the said Bill be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Kingston Marine Railway.

A Bill to alter and amend the Act of Incorporation of the Kingston Marine Railway Company, was, according to order, read a second time.

Ordered, That the said Bill be engrossed.

Niagara Canal Company.

The Order of the Day for the second reading of the Bill to alter and amend the Charter of the Niagara Canal Company being read,

Ordered, That the said Order of the Day be postponed until Wednesday the fifteenth Instant.

Report on Printing.

The Order of the Day for the House in Committee on the First Report of the Standing Committee on Printing, being read,

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Imperial Duties.

The Order of the Day, for the House in Committee to consider the expediency of presenting an Address to Her Majesty, respecting the Imperial Duties payable upon the importation into this Province of Works promoting useful information, and not issuing from the British Press being read,

The House accordingly resolved itself into the said Committee.

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

(105)

And Mr. Simpson reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Cyprian Morgan.

A Bill to naturalize Cyprian Morgan and others, was, according to Order, read a second time.

Ordered, That the said Bill be engrossed.

Customs Bill.

A Bill to provide for the management of the Customs, and of matters relative to the Collection of the Provincial Revenue, was, according to Order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House on Thursday next.

Town &c. Incorporation Bill.

The Order of the Day for the House in Committee on the Bill to provide for the Incorporation of Townships, Towns, Counties, and Cities, in Upper

Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Child took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Child reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Thursday next.

Orders postponed.

Ordered, That the remaining Orders of the Day be postponed until to-morrow.

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Attorney General Baldwin.

The House adjourned.

FOOTNOTES - 7 NOVEMBER 1843.

1. This matter was reported in: MONTREAL GAZETTE, 11 November 1843, BRITISH COLONIST, 14 November.1843, and KINGSTON CHRONICLE, 18 November 1843, in identical accounts.
2. MONTREAL GAZETTE, 11 November 1843.
3. The debate on this matter was reported in: KINGSTON CHRONICLE, 18 November 1843, BRITISH COLONIST, 14 November 1843, MONTREAL GAZETTE, 11 November 1843, and MONTREAL TRANSCRIPT, 14 November 1843, in identical accounts; and in ST. CATHARINES JOURNAL, 4 December 1843, in an edited version of the above accounts.
4. The MONTREAL GAZETTE, 11 November 1843, commented that "although names were not mentioned, it may be presumed, Mr. Harrison and Mr. Daly"
5. MONTREAL GAZETTE, 11 November 1843.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. BRITISH COLONIST, 14 November 1843.
30. MONTREAL GAZETTE, 11 November 1843.
31. IBID.
32. IBID.

WEDNESDAY, 8 NOVEMBER 1843.

(105)

3 Petitions brought up.

THE following Petitions were severally brought up, and laid on the Table:--

By Mr. Crane--The Petition of Major Smith and others, of the Township of Edwardsburgh, in the District of Johnstown.

By Mr. Morris--The Petition of the Minister and Congregation of St. Andrew's Church, St. Peter's Street, Montreal.

By the Honourable Mr. Solicitor General Aylwin--The Petition of Charles Cazeau and others, Commissioned Cullers of the City of Quebec.

Cyprian Morgan.

An Engrossed Bill to naturalize Cyprian Morgan and others, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Morris do carry the said Bill to the Legislative Council, and desire their concurrence.

Kingston Marine Railway.

An Engrossed Bill to alter and amend the Act of Incorporation of the Kingston Marine Railway Company, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Henry Smith do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of the Council of King's College Toronto; praying to be heard by Counsel at the Bar of the House on the subject of the Bill for Incorporating certain other Colleges and Collegiate Institutions with the University of King's College; and in defence of their privileges, property, and rights, in the said Institution.

Of the Reverend A. Gale and others, Inhabitants of the Town of Hamilton; praying for certain amendments to the Charter of the University of King's College.

Of Benjamin Esty and others, Inhabitants of the Parishes of St. Eustache, St. Benoit, and other places; against the granting of the exclusive privilege asked by Hyacinthe St. Germain and J. Gaspard Laviolette, for a Bridge over the River Jésus, from St. Eustache to St. Rose.

Of Major Smith and Henry Mosher; praying indemnification for losses sustained by them during the year 1838.

Of Mrs. Catharine Jane Kidd, widow of the late Robert Kidd, of the Town of Kingston; praying that a Pension be granted her as the widow of the said Robert Kidd, whose death was caused by exposure to excessive

cold while on duty in defence of the Province.

Of Patt Cuggy of the Township of Warwick, in the Western District; representing that in consequence of a wound received while in Her Majesty's service, he is disabled from earning the necessary means of support, and praying relief.

Of Josias Richey, Deputy Surveyor; praying that a Law may be passed to regulate Surveys in this Province.

Of William Tate and George Tate, Forwarders and Carriers, between the Ports of Montreal and Quebec; praying for certain amendments to the Act establishing the Trinity House of Montreal.

Of Henry Corse and others, Inhabitants of the City of Montreal; praying to be exempted from certain provisions of the Bill to authorize the Corporation of Montreal to purchase the Water Works of the said City.

Of William Hunt and others, Inhabitants of the Township of Pittsburgh; praying that no additional power be granted to the Cataraqui Bridge Company.

Of Laurent Benoit, fils, and others, of the Parish of St. Antoine De Longueuil and Boucherville; praying that the Ordinance concerning Winter Carriages may be brought into force, as passed by the Governor and Special Council, and that the amendments made to the same be repealed.

Of the Reverend William Thompson and others, Inhabitants of the City of Montreal and its vicinity; praying that the Common School Act be amended by placing "Les Frères de la Doctrine Chrétienne" on the same footing as all Foreigners, as regards admissibility to teach the youth of the Province.

Of the Reverend Mark Willoughby and others, Inhabitants of the City of Montreal, and its vicinity; praying that the Holy Scriptures may be used as a Class Book in all Public Schools and Seminaries in the Province, in so far as Protestant children are concerned.

Of the Reverend David Black and others, Inhabitants of Ste. Therese de Blainville and its vicinity; praying that the benefits of the Universities of McGill College, at Montreal, and King's College, at Toronto, be extended to all Religious Denominations.

Of the Reverend David Black and others, Inhabitants of Ste. Therese de Blainville and its vicinity; praying for the passing of a Bill to provide for the management of the Temporalities of the Presbyterian

(106)

Church in Canada.

Petitions referred.

J. A. Wilkinson
and others.

Ordered, That the Petition of John A. Wilkinson and others, Inhabitants of the Western District, presented to the House on the eighteenth of October last, and the Petition of William Portt and George Portt, of the Township of Tyendinaga, in the District of Victoria, presented to the House on the twentieth of the same month, be referred to the Select Committee appointed to ascertain whether any, and if so, what plan can be devised to indemnify the losses, and satisfy the claims sustained and made by Individuals during the late Rebellion and Invasions of the late Province of Upper Canada.

Benjamin Esty
and others.

Ordered, That the Petition of Benjamin Esty and others, Inhabitants of the Parishes of St. Eustache, St. Benoit, and other places, be referred to the Standing Committee on Private Bills.

Report on Petition
of Paul Glasford
and others.

Mr. Morris from the Special Committee to which was referred the Petition of Paul Glasford and others, appointed to superintend the erection of a Gaol and Court House in Brockville, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have examined the Petition referred to them, and beg leave to report in relation thereto, that the Petitioners were appointed a Building Committee to superintend the erection of a new Gaol and Court House at Brockville, for the District of Johnstown, under the Statute 1 Victoria cap. 38; and they accordingly caused a good and substantial building to be erected, the cost of completing which, upon the plans sanctioned and approved of by the General Board of Commissioners appointed under the Act 1 Victoria cap. 5, has exceeded the sum authorized by the first recited Act; Your Committee therefore recommend that an Act be passed declaring any debt contracted by the Petitioners for the purposes aforesaid, and not exceeding £1,000 over and above the sum which by the said Act they were authorized to expend, to be a debt due by the District, and to be paid by the District Council out of the funds of the District."

Ordered, That the said Report be referred to a Committee of the whole House, on Friday next.

Fourth Report,
Contingencies.

Mr. Thorburn, from the Standing Committee on Contingencies, presented to the House the Fourth Report of the said Committee, which was again read

at the Clerk's table, and is as followeth:--

That the second Report of Your Committee has undergone a re-consideration, in conformity with the Order of Your Honourable House.

"Your Committee find that, with respect to the services of Alfred Todd and Alpheus Todd, in making the Indices, Your Honourable House had made no determination at what rate they should be paid for such services. That a Committee had been appointed for that purpose last Session, but no Report was made, as will appear from the letter of E. Parent, Esquire, Chairman of said Committee--that, although no Report was made, it does appear that the Chairman expressed himself in a way to induce these persons to expect the sum of fifteen shillings per day--although Your Committee are fully aware that no such pledge on the part of the House was given, nevertheless Your Committee have doubts whether there would not be a breach of a confidence, unless a certain reliance were placed upon the word or expression given by a Chairman upon business connected with the subject of reference, of which he is a Chairman.

Your Committee would, after great deliberation, respectfully submit for the consideration of Your Honourable House, two modes of arranging this matter; the first being to place the gentlemen named, as permanent Clerks, at the time and in the manner set forth in the Report referred for the reconsideration of Your Committee; and, second, to allow them at the rate of 12s. 6d. per day, in accordance with the annexed memorandum, which shows the amount to each, from the beginning of this Parliament to the commencement of the present Session, a period of two years and three and a half months.

Your Committee see no reason for any alteration in their recommendation to abolish the situation of Assistant Librarian, and therefore recommend that Alpheus Todd be paid at the rate of 15s. per day, during each Session, for his attendance in the Library, and while working at the Indices, or otherwise employed as a Junior Clerk, to be allowed 10s. per diem during the recess.

Your Committee, having re-considered the subject of the Indices, proceed to lay before Your Honourable House the result of their further enquiries in reference to the subject of the Expenditure in the Office of the Clerk of the House. The Committee requested the Clerk to lay before them a statement of the present efficiency of his Office, and of any alteration, in point of usefulness or economy; which is appended hereto.

Your Committee, in accordance therewith, refrain from recommending any further additional permanent Clerks--and that those now in the service, viz.:--

<u>Alfred Todd</u>	10 years' service	} Junior Clerks.
<u>Thaddeus Patrick</u> . 10	do. do.	

J. B. Moraud..... 12 do. do.

Henry Hartney.... 4 years and 8 month's service,

Andrew Stuart.... 4 do. service,

William Lindsay.. 2 $\frac{1}{2}$ do. do.

William Le Moine. 1 do. do.

W. A. Himsworth. 1 do. do.

King Barton..... 8 do. do. in the House of Assembly--one year of which an Extra Writer,

Chas. Fitz Gibbon, present Session, in place of his brother, be continued as such Extra Writers, at a per diem allowance of 15s., commencing from this Session--and that any future promotions to permanent Clerkships be directed by the Clerk, whenever the service may require it, from that number, according to their merits, and also that any temporary writers, during the Sessions, that may be required by the Clerk, may not receive but 10s. per day while employed."

(107)

MEMORANDUM of Alfred and Alpheus Todd's accounts for the work of the Indices, up to the present Session (as audited by Committee):--

Alfred Todd.

For the Recess of 1842, from 21st March to 7th September (actually employed, exclusive of Sundays,) 123 days, at 12s.

6d. per day £ 76 17 6

For Recess of 1843 from 18th November to 28th September (do.do.) 269 days, at

12s. 6d. per day 168 2 6 £ 245 0 0

(Received from Clerk of the House, on account of above. £105.)

For his services as Extra Clerk for two last Sessions

244 10 0

Total for the past 2 years and 3 $\frac{1}{2}$

months

£ 489 10 0

Alpheus Todd.

<i>For Recess of 1842, from 22d October to</i>		
<i>8th September (actually employed,</i>		
<i>exclusive of Sundays), 260 days, at</i>		
<i>12s. 6d. per day.....</i>	<i>£ 162</i>	<i>10 0</i>
<i>For Recess of 1843, from 17th October</i>		
<i>to 23d September (do.do.) 271 days,</i>		
<i>at 12s. 6d. per day.....</i>	<i>169 7 6</i>	
	<i>£ 331</i>	<i>17 6</i>
<i>(Received from Clerk of the House, on</i>		
<i>account of above, £160.)</i>		
<i>For his Salary as Assistant Librarian</i>		
<i>for last two Sessions.....</i>	<i>229</i>	<i>0 0</i>
<i>For making proceedings of House for</i>		
<i>do. do.</i>	<i>12</i>	<i>10 0</i>
<i>Total for the last 2 years and</i>		
<i>3½ months</i>	<i>£ 573</i>	<i>17 6</i>

*Clerk's Office, Legislative Assembly,
Kingston, 28th October, 1843.*

SIR,

In conformity to the order of the Standing Committee of Contingencies, requesting me to make a Report of the state of my Office, and if, in my opinion, "any alteration therein is necessary to make it more efficient for the despatch of the general business, either in point of placing more of the Clerks upon annual salaries, and, in regard to economy, whether the paying of the extra writers at 10s. per day of six hours ought not to be altered." I have now the honour to report that I consider the present permanent establishment of the House fully sufficient, as far as annual salaries are concerned, to those who now enjoy those salaries. During the sitting of Parliament, it becomes absolutely necessary to employ extra writers at a per diem allowance, without which the business of the House would be greatly retarded. For instance, at the present time, every Officer, either permanent or extra, is fully employed in the routine business of the House--such as bringing up the Journals, preparing Orders of the Day, Lists of Committees, Orders of Reference, Engrossing Bills, Endorsing Petitions and Public Documents laid before the House, (which this Session are voluminous beyond precedent) copying for the Printers, preparing for the press and examining proofs; attending Standing, Select and Special Committees, to note their proceedings and take evidence; translating into French of almost every thing that is laid before the House, and fair transcripts of the same; besides other work, which it is almost impossible to enumerate,

and I find that, at the present moment, I have not sufficient assistance to get through the work with celerity. On Friday, some very important communications were laid before the House, connected with Education, and ordered to be printed in both languages; it will be essentially necessary that those should be in the hands of Members, to be looked at, previous to the passing of a new Education Bill; and I now solemnly declare that I have not Clerks at leisure to copy these documents for the Printers, and unless the originals are sent to the Printer (which is a dangerous practice) it will be many days before the Members of the House are put in possession of such valuable information. I fear I am wandering from the order given me by the Committee, but I think it a duty I owe to the House and to myself in stating these facts;--for the despatch of the daily business of the House, I humbly conceive that my hands should be left untied. I am responsible for the work being done without any possible delay, and I hope that the Committee will do me the justice to say that, since this Parliament has commenced, nothing has been allowed to fall in arrear.

With regard to the question of economy, whether paying extra writers at 10s. per day of six hours ought not to be altered? I reply, without hesitation, that this allowance is far too great. I would humbly recommend to the Committee that 15s. per diem, commencing from this Session, be allowed to this class of Officers; and, should necessity require the assistance of any of them during the recess, 10s. will be quite adequate remuneration. Should the Committee consider it necessary to place any more of the Clerks on permanent salaries, I consider it a justice I owe to Messrs. Alfred Todd and Thaddeus Patrick, to say that they should be the first selected, because I understand that in Upper Canada, their allowance was always made up to the sum of £200. The salary, however, the Committee will, in their wisdom, fix.

I have the honour to be,

Sir,

Your most obedient servant,

Wm. B. Lindsay, Clerk Assem.

To David Thorburn, Esquire,
Chairman, Standing Committee of Contingencies.

Report printed and committed. Ordered, That one hundred and fifty copies of the Second and Fourth Reports of the said Committee be printed for the use of the Members of this House.

Ordered, That the said Reports be referred to a Committee of the whole House, on Wednesday next, and that it be then the first order of the day.

(108)

Message from
Legislative Council.

A Message from the Legislative Council by
John Fennings Taylor, Esquire, one of the Masters
in Chancery.

Mr. Speaker,

Bankrupt Bill.

The Legislative Council have passed a Bill,
intituled "An Act to repeal an Ordinance of Lower
Canada, intituled "An Ordinance concerning Bankrupts, and the administra-
tion and distribution of their Estates and Effects," and to make provision
for the same object throughout Canada," to which they desire the concu-
rence of the Assembly.

Also,

Legislative Council,
8th November, 1843.

Seat of Government.

Ordered, That one of the Masters in Chancery do
go down to the Legislative Assembly, and
acquaint that House that the Legislative Council have agreed to the
Address to Her Majesty on the subject of the Seat of Government.

Attest,

Charles de Léry,
D'y. Clerk Leg. Council.

And also,

Legislative Council,
8th November, 1843.

Ordered, That one of the Masters in Chancery do go down to the Legisla-
tive Assembly and acquaint that House that the Legislative Council
have passed the accompanying Address to His Excellency, the Governor
General, requesting His Excellency to transmit the joint Address
to the Queen, on the subject of the Seat of Government, to Her
Majesty's Provincial Secretary of State for the Colonies, in order
that it may be laid at the foot of the Throne, to which they desire
the concurrence of the Legislative Assembly.

Attest,

Charles de Léry.
D'y. Clerk Leg. Council.

(The Address is as follows:)

Address.

To His Excellency the Right Honourable SIR CHARLES THEOPHILUS METCALFE, Baronet, Knight Grand Cross of the Most Honourable Order of the Bath, One of Her Majesty's Most Honorable Privy Council, Governor General of British North America, and Captain General and Governor in Chief, in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward and Vice Admiral of the same, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of Canada, in Provincial Parliament assembled, beg leave to approach Your Excellency with our respectful request, that you will be pleased to transmit our Joint Address on the subject of the future Seat of Her Majesty's Provincial Government for this Province, in such way as Your Excellency may deem fit, in order that the same may be laid at the foot of the Throne.

R. E. Caron,
Speaker.

Legislative Council,
8th November, 1843.

And then he withdrew.

Bankrupt Bill.

An Engrossed Bill from the Legislative Council, intituled, "An Act to repeal an Ordinance of Lower Canada intituled, "An Ordinance concerning Bankrupts and the Administration and distribution of their Estates and Effects, and to make provision for the same object throughout the Province of Canada," was read for the first time.

On motion of the Honourable Mr. Sherwood, seconded by Mr. Cartwright.

Council of King's College Toronto.

Ordered, That the Council of King's College at York, now Toronto, in that part of this Province formerly called Upper Canada be, in pursuance of their Petition, heard by Counsel at the Bar of this House against a Bill, intituled "An Act to provide for the separate exercise of the Collegiate University Functions of the College established at the City of Toronto, in Upper Canada, for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University; and for the more efficient establishment and satisfactory Government of the same."

On motion of the Honourable Mr. Sherwood, seconded by Mr. Dunlop,

Return of names
of persons of Public
Departments, &c. &c.

Resolved, That an humble Address be presented
to His Excellency, the Governor General,
praying that His Excellency will be pleased
to cause to be laid before this House a

Return of the names of all persons holding situations in any of the
Public Departments connected with the Government of Upper and Lower
Canada, on the first day of January, 1838; the names of all persons
taken on service in the said Departments from that period, both before
and since the Union and up to the present time, with the dates of their
respective appointments, whether permanent or temporary; the amount of
Salary in each case, with the increase (if any) from time to time; the
names of those discharged from office since that period, and how disposed
of, whether by pension, gratuity, being appointed to other offices, or
how otherwise.

Ordered, That the said Address be presented to His Excellency, the
Governor General, by such Members of this House as are of the
Honourable the Executive Council of this Province.

Seat of Government.

The Honourable Mr. Attorney General Baldwin
moved, seconded by the Honourable Mr. Attorney
General Lafontaine, that this House do concur in the Address of the
Honourable the Legislative Council to His Excellency, the Governor
General, requesting His Excellency to transmit the Joint Address to the
Queen on the subject of the Seat of Government, to Her Majesty's
Provincial Secretary of State for the Colonies, in order that it may be
laid at the foot of the Throne, that the Blank therein be filled up
with the words "Legislative Assembly," and that the said Address be
signed by Mr. Speaker on behalf of this House.

The Question having been put upon the said motion, a division ensued,
and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK,
BOSWELL, BOUTILLIER, CHABOT, CHILD, CHRISTIE, CRANE, DERBISHIRE, DE
WITT, DUNN, DURAND, FORBES, FOSTER, GILCHRIST, HAMILTON, HINCKS, HOLMES,
JOBIN, JONES, JUDAH, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, J. S.
MACDONALD, MOORE, MORIN, NEILSON, PAPINEAU, PARKE, POWELL, PRICE, QUESNEL,
SIMPSON, SMALL, TACHE, TURCOTTE, TURGEON, D. B. VIGER, L. M. VIGER, and
WAKEFIELD.--(46.)

NAYS.

Messieurs BOULTON, CAMERON, CARTWRIGHT, COOK, DUGGAN, DUNLOP,
HOPKINS, JOHNSTON, MCLEAN, MERRITT, MORRIS, MURNEY, ROBLIN, HENRY SMITH,

(109)

HARMANNUS SMITH, HENRY SHERWOOD, STEWART, THOMPSON, THORBURN, WILLIAMS,

and WOODS.--(21.)

*So it was carried in the affirmative, and
Resolved, Accordingly.*

Resolved, That a Message be sent to the Honourable the Legislative Council, acquainting their Honours that this House hath agreed to the Address to His Excellency, the Governor General, requesting His Excellency to transmit the Joint Address to Her Majesty on the subject of the Seat of Government, to Her Majesty's Principal Secretary of State for the Colonies, in order that it may be laid at the foot of the Throne.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry the said Message to the Legislative Council.

Chartered Banks. *Ordered, That the Order of the Day fixed for Saturday next for the second reading of the Bill to authorize the chartered Banks of this Province to open Books in the United Kingdom for the transfer of their Stock, be postponed until Tuesday next.*

Bankrupt Bill. *On motion of Mr. Holmes, seconded by the Honourable Mr. Viger,
Ordered, That two hundred copies of the Engrossed Bill from the Legislative Council, intituled "An Act to repeal an Ordinance concerning Bankrupts, and the administration and distribution of their Estates and Effects, and to make provision for the same object throughout the Province of Canada," be printed in the French Language for the use of the Members of this House.*

Petition of Lord Bishop of Toronto. *Ordered, That one thousand additional copies of the Petition of the Right Reverend the Lord Bishop of Toronto, against the University Bill of Upper Canada, be printed in the English, and two hundred in the French Languages, for the use of the Members of this House.¹*

The Hon. mover ((MR. PRICE)) remarked, that he was desirous that the nature of the petition should go forth fully to the public, being of opinion, that although the Rev. Prelate was sincere in his views, they were not adapted to the present day.² They were at variance with the spirit of the age, and obnoxious to a majority of the people of this province.³

SIR A. MACNAB was also desirous that it should be circulated as extensively as possible, both in Upper and Lower Canada; as by that means, the injustice meditated against the University of King's College would be more clearly established in the minds of the public.⁴

(109)

Cataragui Bridge Company.

Mr. Johnston from the Committee of the whole House on the Bill to amend the Charter of the Cataragui Bridge Company, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill as amended be engrossed.

Printing.

Mr. Roblin, from the Committee of the whole House on the First Report of the Standing Committee on Printing, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That the daily Printing of the House during the present Session, in the English Language, be given to Edward John Barker, and that in the French Language, to Messieurs Desbarats and Derbishire.

Montreal Water Works.

A Bill to authorize the Mayor, Aldermen, and Citizens of Montreal to purchase, acquire, and hold, the property now known as the Montreal Water Works, was, according to order, read a second time.

Resolved, That the said Bill be referred to a Select Committee composed of Mr. Holmes, Mr. Quesnel, Mr. L. M. Viger, Mr. De Witt, and Mr. Leslie, to report thereon with all convenient speed, with power to send for persons, papers, and records.

S. B. Harrison.

A Bill to authorise the Court of Queen's Bench and the High Court of Chancery, at their discretion to admit Samuel B. Harrison to practise as an Attorney and Solicitor thereof, respectively, was, according to order, read a second time.

Ordered, That the said Bill be engrossed.

Obstructions in Rivers.

The Order of the Day for the House in Committee on the Bill to prevent obstructions in Rivers and Rivulets in Upper Canada, being read,

The House accordingly resolved itself into the said Committee. Mr. Johnston took the Chair of the Committee.⁵

Many amendments were introduced, and as many divisions took place, amidst so much burlesque and confusion,⁶ and almost incessant laughter, chiefly relating to what should be held to be obstructions. The saw dust, though no obstruction to navigation, drove the fish from the streams, and deprived those living on their banks, of part of their subsistence.⁷

Certain fees attached to the bill in a schedule, to be paid to magistrates, occasioned a long discussion.⁸

MR. HINCKS was opposed to Magistrates receiving fees, as they were interested parties, as soon as they received a fee.⁹

SIR A. MACNAB said, that although the Inspector General was desirous of mulcting the magistrates of these small fees, he had no objection to pocket a salary double that of his predecessor, a gentleman equally as competent to discharge the duties of Inspector General as he (Mr. Hincks) himself.¹⁰

MR. HINCKS replied, that he had always considered his salary too large, and was not desirous of receiving one shilling more than the House thought proper to grant to him.¹¹

MR. THOMPSON said, if Magistrates were to work without fees, the Inspector General and all other public officers ought to do the same; and if more respect was not shown to the Magistrates, the Government would have to do the work themselves.¹²

MR. H. SHERWOOD made some facetious observations in support of magistrates being paid by fees.¹³

MR. THORBURN spoke in defence of the magistracy. They had no right to be assailed as they were continually in the House. If such conduct were pursued, many gentlemen would in all probability throw up their commissions of the peace.¹⁴

MR. ROBLIN said, he had been a member of the Upper Canada Parliament, when the Tories were in power, and they always defended their Magistrates when attacked, which was not done by the present Government.¹⁵ The magistrates were, a great many of them, farmers, and why were they to leave their ploughs to attend to other people's affairs gratuitously?¹⁶

MR. SMALL maintained, that no attack had been made, nor intended, against the magistrates. The motion for restricting fees had reference to the corruption of past times.¹⁷

MR. MURNEY attacked the Ministers, and the Magistrates they appointed, many of whom were notoriously unfit to be entrusted with any powers. One in his county, had issued a proclamation, and then a warrant for disregarding it; another had issued a subpoena.¹⁸

MR. WILLIAMS and MR. MORRIS both said, the late selections for Magistrates, had given universal satisfaction in their counties.¹⁹

MESSRS. WILLIAMS and MORRIS said, the late appointments had given universal satisfaction throughout the country.²⁰

MR. HINCKS said, he was, on principle, opposed to Magistrates taking fees, as it tended to make them encourage litigation for the sake of fees. He had not brought any general charge against the Magistrates; but that there were individuals among them who acted improperly, no one could deny. An instance occurred in his own county. Ten men were brought before a Magistrate, charged with a riot,²¹ at Mesurier, in the Brock District.²² And although they offered good and sufficient joint bail for the whole, he refused to accept it, but demanded separate bail for each. This they could not immediately offer, as they were a long way from home, among strangers, and they were sent to gaol until they procured separate bail, being thereby subjected to Sheriff's and Gaoler's fees, in addition to bail fees on ten separate bonds, which the Magistrate put in his own pocket. The case was brought before Mr. Justice Macaulay, at the late Assizes, and he said the joint bail offered by the men was sufficient, and ought to have been taken by the Magistrate.²³

MR. BOULTON had been present in the Court, when this case was mentioned, and confirms the account given of it, by Mr. Hincks. If the Magistrate had not been paid fees, he would not have asked separate bail for each; but his fees on each recognizance amounted to 7s. 6d.--²⁴

Some one said 2s. 6d.--²⁵

He ((MR. BOULTON)) knew the Magistrate, who was one of the old school, and did not think that he erred intentionally. He (the Magistrate,) thought the law allowed him these fees, and that it was perfectly right to take them.²⁶

MR. MERRITT asked, if the Magistrate who had been guilty of this extortion, had been dismissed.²⁷

No direct answer was given, but it was understood that he was not.²⁸

((There were)) some remarks from MR. AYLWIN, and MR. MORIN.²⁹

MR. THORBURN moved to have the schedule expunged from the Bill, which was acceded to³⁰.

(109)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Johnston reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Provincial Penitentiary.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Statements of the Accounts and Affairs of the Provincial Penitentiary for the years 1842 and 1843, transmitted for the information of the Legislative Assembly, pursuant to Statute of Upper Canada, 4 Wm. 4, ch. 37.

(For the said Statements see Appendix G. G.)

British Fisheries,
Gulf of
St. Lawrence.

The Order of the Day, for the House in Committee, on the Bill to Incorporate certain persons therein named, with others, providing funds towards carrying on the British Fisheries in the

Gulf of St. Lawrence and District of Gaspé, and Mining in the said District, under the style of the Gaspé Fishery, Commercial, and Mining Company, being read,

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee.³¹

MR. AYLWIN wished to have the amendments printed, that had been made by the special committee to this bill. Our practice respecting private bills, was lamentably deficient, when compared with that pursued in England. There, every amendment is printed, so that members cannot be taken by surprise. Lower Canada had emerged, as it were, by accident, from a scheme concocted in London, and favored by the Imperial Government, by which the public lands would have been placed beyond our control, for ages: but happily the company had not succeeded. If this Gaspé company were confined to fishing, no one would object; but by asking for mining also, thereby blending two objects so distinct as fishing and mining are, the former being amply sufficient to employ all their capital and energy, they place themselves under suspicion. There are two other private companies that make large fortunes by fishing in the gulf of the St. Lawrence, and spend them, not in this country, but in Jersey and Guernsey; and if this company were to do the same, he would oppose the bill. Are all the mineral riches of Gaspé, rich as it is in minerals, to be surrendered to a private company of speculators, to make fortunes that they will spend any where but where they make them? A geological survey of this province has been ordered, and the gentlemen employed to conduct it, found it expedient to commence in Gaspé, where the geological survey of New-Brunswick terminated; and yet before any information has been received from this survey, you propose (sic) to grant these mines to a private company! We have no information respecting this district, and will you give its mineral treasures to a company? Those who make this application, seem to know more of that district than we do, who are the people's representatives. Has some person travelling there for business or pleasure, informed them that Gaspé is rich in mineral wealth, and do they desire to monopolize its advantages? He would vote against that part of the bill granting power to mine.³²

MR. WAKEFIELD had no interest whatever in the bill. The hon. Solicitor General East had made a great mistake in supposing the bill would surrender up the mines of Gaspé to private individuals, for it gave no power in that respect, not possessed by any person. The objections to the bill were founded on gross mistake.³³

MR. AYLWIN said, he was not so liable to make such very great mistakes. He was a proprietor of land in Gaspé - part of this very coal field that it is intended to allow this company to work, and he probably knew more about it than the hon. member for Beauharnois did himself. Is there no danger in granting corporate powers to a company, to buy up all the land and mines of Gaspé, when they could purchase half the district with their capital, £150,000? With all the experience we have had of companies, the Canada Company, the British American Land Company, and others, are we to be told that they can do no more than private individuals can do? Why, with their wealth and combined power, they could lord it over the whole district, and render the people subservient to their views and interests: and will this be allowed? The London company, of which so much has been heard, had the purchase of land in Gaspé as one of their objects, and they would doubtless have swindled the people at home. He was brought up to abhor monopoly; and as a native of the country, his lot cast in it, he would never consent to assign away its soil, and minerals, without the fullest and most satisfactory information being given.³⁴

MR. HINCKS trusted this bill would not be passed through committee, with so few members present. His objections to it were graver than those of his hon. friend. The company are liable for no more than their capital; they might contract debts of a million, and fail; and where would our people look for payment?³⁵ The company ought to be made responsible for the whole of their engagements to the full amount of their property, as other establishments were in the Province, the members of which had long resided in it, and were well known. He (Mr. Hincks) looked upon these companies with a good deal of suspicion. There were enough bubble speculations already without adding to them.³⁶

SIR ALLAN MACNAB thought the Inspector General's course most extraordinary. Last session he had put the double security clause into the Bank charters: this session he is going to repeal it; and yet he objects to this company, because they are not liable to all they have.³⁷

MR. HINCKS explained. He had introduced this clause from necessity, as the bank charters could not have been received without it. The Government, however, had promised to remove the objection, and had redeemed their pledge, although in direct opposition to the opinion of the British Government and the Imperial Parliament, without regard to Joint Stock Companies.³⁸

MR. CHRISTIE was astonished at the opposition to this bill, unless

it was to prevent British capital from coming into the country. The company asked for no monopoly - no surrender of any rights, whether of the Crown or individuals. It is no bubble, like the one referred to. They come first to you, and ask to be incorporated, with such restrictions as you deem necessary, and they are willing to be amenable to your Courts. What more do you want.³⁹

MR. D. B. VIGER said, whenever you establish a company, you establish a monopoly. It is said they are liable to our Courts; but no man could contest with this company, in law; for they have large capital, and an individual would be ruined ten times over, if he went to law with them. The North West Company had no monopoly; yet no man could trade in their country, without their permission. If they asked to work mines only, in one spot, it would not be so bad; but to ask power to work mines in a whole district, so large as Gaspé, which would form one of the secondary kingdoms of Germany, was unreasonable and improper. If they asked for the fisheries only, he would grant that.⁴⁰

MR. MERRITT could not understand the grounds of objection to the bill. We are complaining of the want of capital in Canada; and how are we to get it? By magic?⁴¹ How were the resources of the country to be developed without capital? We had none of our own, and yet we attempted to obstruct the influx of British capital (Hear, hear.)⁴² British capital has made all the improvements in the United States, and private individuals may go in there, and do any thing they please, liable to only what they have paid in. A monopoly is exclusive privileges; is there that in this bill? No.⁴³

MR. ((HENRY)) SHERWOOD said that it appeared as if there were a desire to throw every obstacle in the way of improving the country. Emigration was only to be encouraged as it suited the views of Lower Canada. The same spirit seemed to exist also with reference to this measure.⁴⁴ ((He)) was in favor of any measure that would promote the influx of British capital and emigration He saw no difference between carrying on fishing and mining, so far as related to developing the resources of the country.⁴⁵

MR. BOULTON said, a company residing beyond the limits of this country, could not be liable for debts contracted here, as they would be if living here. He could not agree with the hon. member for Toronto, that it was right to incorporate any kind of company⁴⁶ --

No, from MR. ((HENRY)) SHERWOOD, not in timber trade, nor a forward-ing company, for they would interfere with our own people⁴⁷ --

((MR. BOULTON:)) ... for they might come in with a nominal capital, run in debt a million, and leave us to whistle for it. But in this case, there is no fear; for no company could work mines, or fisheries, and

run largely in debt. From the nature of the employment, they must advance large sums before they could reap any profit; and they must continue to make advances to those they employ, or from whom they receive supplies. These two speculations are not of a kind that admits running into debt; and they would always be creditors of the country, instead of debtors to it.⁴⁸

MR. WAKEFIELD said, the hon. Inspector General's speech was a general, unqualified condemnation of companies; yet England, the wealthiest country in the world, is full of them, and her greatness was founded, in a large measure, on Joint Stock companies. One magnificent empire in the East, with its one hundred millions of souls, was added to Britain's rule by a Joint Stock company. The thirteen colonies, now the United States, were all founded by Joint Stock companies, intended for profit.⁴⁹

What, all? said a voice.⁵⁰

((MR. WAKEFIELD continued:)) He might except two or three. All mining is carried on by Joint Stock companies, and cannot be carried on by an individual. If you look at France, the principle is carried further; for the individuals composing companies, are not responsible for more than they pay in. As it respects not being liable for more than the amount of stock, that is all the point, the sole advantage that you confer on them by incorporation. Any number of persons may associate themselves together, for any lawful purpose whatever. (No, no.) Yes, except in Banking, within 60 miles round London, in order to protect the Bank of England, a public national institution; and that restriction is partially removed. If the sentiments of the Inspector General's speech prevailed it would operate against the introduction of English capital; yet all the other colonies, the West Indian colonies, South Australian colonies, are all supported by British capital, which was their pabulum vitae. Why, then, should this colony be exempt. The Inspector General seems to regard England as a foreign country, aims his hostility at her, and describes a system that has largely contributed to her greatness, as one that must prove injurious to us. Such a course would be viewed by the world, in an ominous light. He (Mr. W.) had supported the motion of the hon. member for Toronto, for paying reporters in the House.⁵¹

DR. DUNLOP said that according to Adam Smith that Government was the best that refrained from shackling enterprise and industry with injurious restrictions. Scotland owed her banking system to Joint Stock Companies. These companies might often have failed. Had not tailors, and shoemakers, and other trades failed also, and for this reason were people not to pursue them! The idea was preposterous. The Hon. Member spoke warmly in support of the Bill.⁵²

MR. HAMILTON said, that the company would be a boon to the country, -

that, as to a monopoly, there were already other companies in Gaspé, one of which possessed a capital to the extent of £500,000 or £600,000. As to £150,000, the capital of the proposed company, buying up the District of Gaspé, it would not even purchase the produce of the Fisheries for two years! With regard to the coal, of what use was it without capital? Unless the mines were worked, the mineral might be buried beneath the soil from age to age. And where were the funds to come from, if a joint stock company was to be objected to unless it submitted to be trammelled with liabilities far beyond the amount of its risk?⁵³

MR. MORIN was not opposed to the introduction of British capital, but to granting privileges to one, not possessed by another. He had no objection to allow the company to carry on Fisheries in the Gulf of St. Lawrence, and mining in Gaspé, but would rather limit than extend their capital, in order to confine it to this specific object. As to any alarm about their running heavily into debt, he was of opinion, that the inhabitants would be their debtors instead of their creditors.⁵⁴

MR. NEILSON remarked, that so much were the fisheries of Gaspé in want of capital, that 1500 American vessels found employment there annually.⁵⁵

MR. CHRISTIE thought, that the remarks of a certain Government Member with regard to England, (Mr. Hincks) were very illtimed, he having come to this Province a mere adventurer. He trusted to the House, however, to pass the Bill without being much indebted to him (Mr. Hincks) for his assistance.⁵⁶

MR. HINCKS repudiated the term adventurer. He had solicited nothing from the Government; on the contrary, his services had been sought after by the Government upon his being returned to Parliament.⁵⁷

The first clause was adopted unanimously.⁵⁸

(109)

and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Roblin reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Friday next.

Imperial duties.

Ordered, That the Order of the Day for the House in Committee to consider the expediency of presenting an Address to Her Majesty respecting the Imperial Duties payable upon the importation into this Province of Works promoting useful information, and not issuing from the British Press, be postponed until to-morrow, and that it be then the first order of the day.

Orders Postponed.

Ordered, That the remaining Orders of the day be postponed, until to-morrow.

Then on motion of Mr. Simpson, seconded by Mr. Hamilton,
The House adjourned.

FOOTNOTES - 8 NOVEMBER 1843.

1. The following was reported in: MONTREAL GAZETTE, 13 November 1843, BRITISH COLONIST, 14 November 1843, in identical accounts; MONTREAL TRANSCRIPT, 14 November in an edited version of the account in MONTREAL GAZETTE; and ST. CATHARINES JOURNAL, 4 December 1843.
2. MONTREAL GAZETTE, 13 November 1843.
3. ST. CATHARINES JOURNAL, 4 December 1843.
4. MONTREAL GAZETTE, 13 November 1843.
5. The debate on this matter was reported in: LA MINERVE, 13 November 1843, whose account was copied by LE CANADIEN, 15 November 1843; BRITISH COLONIST, 14 November 1843, KINGSTON CHRONICLE, 18 November 1843, and MONTREAL GAZETTE 13 November 1843, in identical accounts; MONTREAL TRANSCRIPT, 14 November 1843, in an edited version of the account in MONTREAL GAZETTE, 13 November 1843; and ST. CATHARINES JOURNAL, 3 December 1843.
6. MONTREAL GAZETTE, 13 November 1843.
7. ST. CATHARINES JOURNAL, 4 December 1843.
8. MONTREAL GAZETTE, 13 November 1843.
9. IBID.
10. IBID.
11. IBID.
12. ST. CATHARINES JOURNAL, 4 December 1843.
13. MONTREAL GAZETTE, 13 November 1843.
14. IBID.
15. ST. CATHARINES JOURNAL, 4 December 1843.
16. MONTREAL GAZETTE, 13 November 1843.
17. IBID.
18. ST. CATHARINES JOURNAL, 4 December 1843.
19. IBID.
20. MONTREAL GAZETTE, 13 November 1843.
21. ST. CATHARINES JOURNAL, 4 December 1843.
22. MONTREAL GAZETTE, 13 November 1843.
23. ST. CATHARINES JOURNAL, 4 December 1843.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. MONTREAL GAZETTE, 13 November 1843.
30. IBID.
31. The debate on this matter was reported in: BRITISH COLONIST, 14, 17 November 1843, KINGSTON CHRONICLE, 18 November 1843, and MONTREAL GAZETTE, 13 November 1843, in identical accounts; MONTREAL TRANSCRIPT, 15 November 1843, in an edited version of MONTREAL GAZETTE, 13 November 1843; ST. CATHARINES JOURNAL, 4 December 1843 in which some speeches are identical to those in MONTREAL GAZETTE, 13 November 1843; and LA MINERVE, 13 November 1843, whose account was copied by LE CANADIEN, 15 November 1843.
32. ST. CATHARINES JOURNAL, 4 December 1843.

33. IBID.
34. IBID.
35. IBID.
36. MONTREAL GAZETTE, 13 November 1843.
37. ST. CATHARINES JOURNAL, 4 December 1843.
38. MONTREAL GAZETTE, 13 November 1843.
39. ST. CATHARINES JOURNAL, 4 December 1843.
40. IBID.
41. IBID.
42. MONTREAL GAZETTE, 13 November 1843.
43. ST. CATHARINES JOURNAL, 4 December 1843.
44. IBID.
45. ST. CATHARINES JOURNAL, 4 December 1843.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. MONTREAL GAZETTE, 13 November 1843.
53. IBID.
54. IBID.
55. IBID.
56. IBID.
57. IBID.
58. IBID.

THURSDAY, 9 NOVEMBER 1843.

(109)

Message from
Legislative
Council.

A MESSAGE from the Legislative Council, by
the Masters in Chancery:--

Mr. Speaker,

The Legislative Council have passed the following Bills, without
any amendment:

(110)

Quebec Seminary.

"An Act to authorize the Superior and Directors of the Seminary of Quebec to acquire and hold a certain amount of Property, in addition to that now held by them."

Party Processions.

"An Act to restrain Party Processions in certain cases."

Secret Societies.

"An Act for the discouragement of Secret Societies."

Niagara and
Gore boundary lines.

"An Act to amend the Act relating to the Boundary Line between the Niagara and Gore Districts."

Also,

The Legislative Council have passed the following Bills, with
amendments, to which they desire the concurrence of the Assembly:--

Public Meetings.

"An Act to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat."

Independence of
Parliament.

"An Act for better securing the Independence of the Parliament of this Province."

And also,

Legislative Council,
Thursday, 9th November, 1843.

Ordered, That the Masters in Chancery do go down to the Legislative Assembly, and acquaint that House that His Excellency, the Governor General, has appointed to-morrow, at two o'clock, at the Government House, to be attended with the Addresses of both Houses, and that the Legislative Council do intend to be there at that time.

Attest,

Charles de Léry,
Dy. Clerk Leg. Council.

And then they withdrew.

Five Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Hale--The Petition of the Right Reverend the Lord Bishop of Montreal and others, Inhabitants of Lower Canada.

By Mr. Holmes--The Petition of H. Solomon and others, Trustees of the Montreal Congregation of Israelites.

By Mr. Christie--The Petition of Joseph Paquet and others, Pilots for the navigation of the St. Lawrence between the Ports of Montreal and Quebec.

By Mr. Lacoste--The Petition of the Honourable Grant de Longueuil and others, Inhabitants of the Town of St. Johns and of its vicinity; and the Petition of Guillaume D'Eschambault, Physician, of the Village of Laprairie de la Magdaleine.

S. B. Harrison.

An engrossed Bill to authorize the Court of Queen's Bench, and the High Court of Chancery, at their discretion, to admit Samuel B. Harrison to practice as an Attorney and Solicitor thereof, respectively, was read for the third time.

Resolved, That the Bill do pass, and the Title be "An Act to authorize the Court of Queen's Bench, and the High Court of Chancery, at their discretion, to admit Samuel Bealy Harrison to practice as an Attorney and Solicitor thereof respectively."

Ordered, That the Honourable Mr. Boulton do carry the said Bill to the Legislative Council and desire their concurrence.

Cataraqui
Bridge Company.

An engrossed Bill, to amend the Charter of the Cataraqui Bridge Company, was read for the third time.

Resolved--That the Bill do pass.

Ordered, That Mr. Cartwright do carry the said Bill to the Legislative Council, and desire their concurrence.

Petition read.

Pursuant to the Order of the Day, the following Petition was read:--

Of Michael Ryan and others, Inhabitants of the Townships of Adjala and Mono; praying an aid for a road.

Petition of Henry
Corse and others
referred.

Ordered, That the Petition of Henry Corse and others, Inhabitants of the City of Montreal, presented to the House on the sixth instant, be referred to the Special Committee to which was referred the Bill to authorize the Mayor, Aldermen, and Citizens of Montreal, to purchase, acquire and hold the property now known as the Montreal Water Works.

Eighth Report,
Private Bills.

Mr. Hale, from the Standing Committee on Private Bills, presented to the House the eighth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have considered the Petition of Alexander Fraser, of the Parish of St. Valier, and find the facts are as follows:

An Act was passed by the Legislature of Lower Canada, in the 52nd year of the Reign of His late Majesty, King George the Third (chapter 20) by which authority was granted to Alexis Gosselin to levy tolls upon a bridge erected by him over the River Boyer in the said Parish, for the term of twenty-five years, which privilege was afterwards transferred to the Petitioner, through his wife, by a Deed of Donation from the said Alexis Gosselin; the said term expired in 1837, and the Bridge has since been destroyed by the ice; the Petitioner is now desirous of obtaining authority to rebuild the same, with the privilege of levying tolls thereon for fifty years.

Your Committee have examined several of the Members of Your Honourable House, who are more or less acquainted with the circumstances of the case, and it appears, from their evidence, that the public will suffer great inconvenience unless the said Bridge is re-built, but that the Municipal Council of the District having taken no action in the matter, it might be questioned whether other means are easily available, by which the Inhabitants can be required to rebuild it at their own cost; Your Committee therefore conceive, that the only way by which the said inconvenience can be remedied is, by granting the authority desired by the Petitioner; and they, therefore, recommend the passing of an Act for that purpose, limiting the duration of the privilege, however, to twenty years, and providing that the Government should have the right of assuming the said Bridge at any time, upon payment of the value of the Bridge, to be ascertained, by assessment, in the usual way."

Report on Petition
of J. Duval, Esq.

Mr. Chabot, from the Special Committee to which was referred the Petition of J. Duval, Esquire, and others, Officers of the Society of Education for the District of Quebec, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee, after having examined the Petition of J. Duval, Esquire, and others, Officers of the Society of Education for the District of Quebec, praying that they may be incorporated for Educational purposes, are of opinion, that the prayer of the Petition should be granted; and, therefore, that a Bill should be introduced for this purpose."

Boyer Bridge.

Ordered, That Mr. Taché have leave to bring in a Bill to renew and continue, for a certain time, the privileges granted by a certain Act of Lower Canada, therein mentioned, to Alexis Gosselin, and his Heirs or Assigns, with regard to a certain

Bridge over the River Boyer, in the County of Bellechasse.

He accordingly presented the said Bill to the House, and the same

(111)

was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Les Dames
Religieuses, &c.

Ordered, That Mr. Quesnel have leave to bring in
a Bill to Incorporate Les Dames Religieuses
du Sacré Coeur de Jésus, of the Parish of
St. Jacques de L'Achigan, in the District of Montreal, for the purposes
of Education.

He accordingly presented the said Bill to the House, and the same
was received and read for the first time, and ordered to be read a second
time, on Monday next.

Leave of absence
to Mr. McCulloch.

Ordered, That Mr. McCulloch have leave to absent
himself from this House until the first of
December next, on urgent business.

Independence of
Parliament.

On motion of the Honourable Mr. Attorney General
Lafontaine, seconded by the Honourable Mr. Attorney
General Baldwin,

Ordered, That the amendments made by the Legislative Council to the Bill
intituled "An Act for better securing the Independence of the
Parliament of this Province," be now taken into consideration.
The House proceeded accordingly to take the said amendments into
consideration.

And the said amendments were read, and are as followeth:--

Press 1. Line 12.--Leave out "passing of this Act," and insert "end of
the present Parliament."

Press 1. Line 14.--After "incapable of," leave out to the word "and,"
in the 20th line.

Press 2. Line 27.--After "laws," leave out the remainder of the clause,
and insert "Provided always, that nothing in the foregoing enact-
ment shall extend, or be construed to extend, to any person who,
being a Member of the Executive Council, shall also fill any of the
following offices, that is to say:--of Receiver General, Inspector
General, Secretary of the Province, Commissioner of Crown Lands,
Attorney General, Advocate General, Solicitor General, Chairman
of the Board of Works, Registrar of the Province, or Surveyor
General."

Press 2. Lines 41 and 42.--Leave out "shall after the passing of this
Act presume," and insert "who shall or may be elected after the
passing of this Act shall presume."

Presses 2 and 3.--Leave out the third and fourth Clauses.

Press 3. Line 31.--After "Circuit Judges" insert "and all Clergymen of

the Church of England or Scotland, and all Priests or Ministers, either according to the Rights of the Church of Rome or under any other form or profession of Religious faith or worship."

In Preamble, Line 3.--Leave out, "Parliament" and insert "Legislative Assembly."

In the Title--Leave out "Parliament" and insert "Legislative Assembly."

And the said amendments being again read, they were agreed to by the House.

Ordered, That the Honourable Mr. Attorney General Lafontaine, do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Privileges and Elections.

Ordered, That Mr. Price be added to the Standing Committee on Privileges and Elections, in the room of the Honourable George Moffatt, who

hath resigned his seat in this House.

Ordered, That the Order of the day for the House in Committee on the Bill to provide for the management of the Customs, and of matters

Orders Postponed.

Management of Customs.

relative to the collection of the Provincial Revenue, be postponed until Monday next; The Orders of the day for the second reading of the Bill to explain an Act passed in that part of this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled "An Act to confirm and regulate certain sales of Lands for Taxes in the District of Ottawa;" The second reading of the Bill to confirm and make valid certain Official Acts in the Offices of Registrar, Clerk of the District Court, and Registrar of the Surrogate Court in and for the District of Ottawa; and the second reading of the Bill to amend the Act, incorporating the Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the Stock of the said Bank; be postponed until Tuesday next. The Orders of the day for the second reading of the Bill for the preservation of Deer and other Game within this Province, and for prohibiting hunting and shooting on the Lord's day; the Second reading of the Bill to revive an Act passed in the Parliament of the late Province of Upper Canada, of the 5th Wm. IV. chap. 18., to Incorporate certain persons therein named and their Associates, under the style and title of the Cayuga Glass Manufacturing Company; and the Second reading of the Bill to abolish Imprisonment on execution for Debt, and for the

Sales of Lands for Taxes.

Official Acts Ottawa district.

Bank of Niagara.

Game Bill.

Cayuga Glass Company.

Imprisonment for Debt.

Welland Canal.

punishment of fraudulent Debtors; be postponed until Wednesday next. The order of the day for the House in Committee to consider the expediency of amending a certain Act of the Parliament of Upper Canada, passed in the Seventh year of the Reign of His late Majesty Wm. IV., intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned"--and also a certain other Act of the Parliament of Upper Canada, passed in the 4th and 5th years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by Private Parties in the Welland Canal, to be purchased on behalf of the Province," be postponed until Thursday next; and the orders of the day for the second reading of the Bill to authorise the Chairman of the Committee of the Canada Inland Forwarding and Insurance Company, to sue for and recover debts due to the Company; for the House in Committee on the Report of the Special Committee, to which was referred the Petition of John T. Caldwell and others, Proprietors of Vessels navigating the Gulph of St. Lawrence. For the House in Committee on the Bill, to afford relief in certain cases to Sellers of Real Estate in Canada West; and for the House in Committee on the Third Report of the Standing Committee on Contingencies; be postponed until Friday the seventeenth instant.

Private Stock,
ditto.

Canada Inland
Insurance.

Petition John T.
Caldwell, & others.

J. A. P. Barbier.

Ordered--That the order of the day for the Second reading of the Bill to naturalize Jacques

Adrian Pierre Barbier, and Euphraise Barbier, his wife, be postponed until to-morrow.

Adjournment.

Ordered--That when this House doth adjourn, it will adjourn until to-morrow at one o'clock P.M.

Obstructions
in Rivers.

Mr. Johnston from the Committee of the whole House on the Bill, to prevent obstructions in Rivers and Rivulets in Upper Canada, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

(112)

Ordered--That the said Bill, as amended, be engrossed and read for the Third time on Tuesday next.

Mercantile Library Association, Montreal.

A Bill to Incorporate the Members of the Mercantile Library Association of Montreal, was according to order read a Second time.

Ordered--That the said Bill be engrossed.

La Banque du Peuple.

A Bill to Incorporate certain persons carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple," was according to order, read a second time.

Resolved--That the said Bill be referred to a Select Committee, composed of Mr. Quesnel, Mr. Holmes, Mr. Leslie, Mr. Simpson, and Mr. Boutillier, to report thereon with all convenient speed, with power to send for persons, papers and Records.

Imperial duties.

The Order of the day for the House in Committee, to consider the expediency of presenting an Address to Her Majesty, respecting the Imperial Duties, payable upon the importation into this Province of Works promoting useful information, and not issuing from the British Press, being read.

The House accordingly resolved itself into the said Committee.

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Simpson reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth:--

1. Resolved, That the advancement of Useful Knowledge is of such primary importance as to merit the attention of every Government, but more especially of any Government conducted on the principles of the British Constitution.
2. Resolved, That to promote this invaluable object, one of the most efficacious means is to facilitate the introduction of the best work of useful information, at the least possible expense.
3. Resolved, That without now calling in Question the wisdom of those regulations, by which the importation of reprints of Copy-Right Works published in the United Kingdom is prohibited, it cannot, in the opinion of this committee, be wise or consistent with sound policy to discourage the importation of Works promoting useful information, originally written and published in foreign countries.¹

MR. HINCKS remarked, that the Imperial duty on Books imported into the Province was seven per cent., and the Provincial duty five per cent. The Government, however, meditated a great reduction on this duty, or an abandonment of it altogether, to the extent of admitting all Books from Great Britain duty free, and putting a duty of seven per cent. on foreign

Books. American School Books were principally in use in the Province, although there were some printed and published in it, adapted more particularly for the youth of Canada, which were got up at considerable expense. At the time, however, that this enterprise was embarked in, the duty on American Books was thirty per cent., whereas now, the only protection for the Canadian publisher against the introduction of American Books was twelve per cent. Should the resolutions be acted upon, the only School Books that would be used in Canada would be from the United States. If it was desirable to confer a benefit, the proposition should be limited to Books published in the French language.²

MR. BLACK had no wish to introduce books of any particular description, but to extend the relaxation to all useful publications, whether originally written and published in the United States or in any other country. He (Mr. Black) was surprised to hear that a duty was advocated upon school books distinct from others. The effect that had been alluded to had reference to publishers, although he was not aware of any reprints of American works in this country. Whatever restrictions nevertheless might be imposed, it would be impossible to keep out American books. As to confining the measure to those published in the French language, he (Mr. Black) was of opinion, that there ought to be no distinction with regard to language. If the Provincial Government could not remit the duty, that was another argument in favour of addressing the Queen on the subject, apart from any other consideration. The colonies ought to enjoy to as great an extent as possible the right of taxing themselves.³

MR. HINCKS replied, that his anxiety was directed to prevent Canadian school books from being driven out of the province. He had no desire to keep out reprints of English works, but was afraid that any stipulation with regard to them would defeat the measure.⁴

MR. BOSWELL said, that it might be accounted for why our school books were principally American, - because the school teachers principally were. A desire naturally prevailed with them therefore to introduce all their prejudices. It was by no means owing to our school books being inferior to theirs, which was not the case. The Imperial duty of 7 per cent was felt⁵ as no burthen in Canada; it was the only protection our publishers had.

DR. DUNLOP desired to know what had been gained to the revenue by excluding cheap American editions, and confining us to expensive English ones? The publishers of Canadian spelling books and similar works, ought not to be allowed to stand in the way of our getting cheap literature. If they published as cheap as any other persons, they would meet with the same encouragement, if not, they could not expect it. Political economy said, purchase where you can the cheapest.⁶

MR. WILLIAMS expressed his disapprobation of American school-books, and did not consider the duty of seven per cent too much.⁷

MR. BOULTON had no wish to keep out literary works in a foreign language, but was decidedly averse to taking off the duty on American books, which we did not want, and putting a bounty on our own. Canada was fully competent to furnish her own school books, without having recourse to the United States for them.⁸

MR. MERRITT would prefer that 20 per cent should be put upon them, rather than that they should interfere with the measure.⁹

MR. CHILD said, that he had some experience in schools, having had the superintendence of seventy-two, he could therefore speak from personal knowledge, of the injurious effects of American school books. Besides, some consideration was due to native enterprise and genius. We had authors, paper mills and presses, and could produce books of this kind ourselves, - encouragement should therefore be given to enterprises of this nature.¹⁰

MR. HINCKS said, in answer to Mr. Merritt's remark, about imposing a duty of 20 per cent, that we could not impose differential duties, but that any duty which was put on, would affect English as well as American books.¹¹

(112)

4. *Resolved, That in consequence of the peculiar situation and peculiar circumstances of this country, a very large portion of the inhabitants speak the French language; and that for this reason, the standard works required by them in the three great departments of Religion, Literature and Law, are French and must be obtained from France.*
5. *Resolved, That an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to adopt such measures as She may in Her wisdom deem expedient, to remove the discouragement arising from the duties imposed by the Imperial Act, on works of the class above mentioned and calculated to promote the dissemination of important knowledge; and assuring Her Majesty of our conviction that in complying with this prayer Her Majesty will increase the happiness and prosperity of Her Subjects in this Province.*
Resolved, That a Special Committee of three Members be appointed to prepare and report the Draught of an humble Address to Her Majesty, embodying the said Resolutions.
Ordered, That the Honourable Mr. Black, Mr. Simpson and Mr. Merritt, do compose the said Committee.

Administration of
Justice, Lower
Canada.

The Order of the day for the House in Committee on the Bill to amend the Law relative to the Administration of Justice in Lower Canada being read,

Ordered, That the said Order of the Day be discharged, and that the said Bill be recommitted to the same Special Committee to which it had already been referred.

Towns incorporation, &c. *The Order of the Day for the House in Committee on the Bill to provide for the Incorporation of Townships, Towns, Counties, and Cities, in Upper Canada, being read,*
The House accordingly resolved itself into the said Committee.
*Mr. Child took the Chair of the Committee,*¹²

MR. BALDWIN explained, that as several amendments had been made in the special committee, he would go through the bill, and hear what was said on it, and afterwards take up the clauses objected to, when he could make up his mind how to deal with them.¹³

The 3rd section ... passed¹⁴, the motion before the house being whether 5 or 7 persons should constitute the counsel.¹⁵

MR. MURNEY jumped up, and asked if the bill were to be applied to Lower Canada¹⁶. He wished to know whether the measure had emanated from the administration, he did not think that even they, corrupt as they were, could have introduced such an atrocious measure. He denounced it as democratic in principle, a transcript of the legislation of the U. S. and that it was repudiated by the electors of Hastings, of which he was the representative, &c.¹⁷

MR. D. B. VIGER made some remarks respecting Lower Canada¹⁸.

MR. BALDWIN ... thought the hon. member ((MR. MURNEY)) should have at least informed himself who the authors of the measure were before he had made such an attack upon the administration on account of it. The hon. and learned member had expressed great horror of republican measures. He (Mr. B.) confessed that his horror of them was not so great as not to read them, which was evidently the case with the hon. and learned member. - This was carrying his horror further than he thought the hon. and learned member ought to do. The hon and learned member tells us that he is the representative of the people of Hastings; he (Mr. B.) understood that the hon. member had voted for himself, therefore he must be a true representative, here the House became so convulsed with laughter that ... ((the reporter)) could not hear what followed.¹⁹

SIR ALLAN MACNAB made two attempts to heal Mr. Murney's wounds²⁰. He thought it "too hard" in the hon. Attorney General assailing his friend Mr. Murney in such a way²¹, and wondered the Attorney General could be so cruel as to attack his young friend in such a manner, when he had but lately taken the seat.²²

MR. MORIN said, the principles of the bill will be applied to Lower Canada, but not the details, for they are not applicable. Did the hon. member for Hastings wish to copy the robber Procrustes, lopping the long, and stretching the short, to make them fit his bed? The lower province would take what is good, from Upper Canada; and the latter might find something good, to take from Lower Canada.²³

DR. DUNLOP said, the bill was by way of improvement on the former act; but from such an improvement, good Lord deliver us. It appoints elections to be held near New-Year's day, when every body is drunk. A township meeting is a drunken rabble. (Order, order.)²⁴

MR. JOHNSTON said, the hon. member for Huron had libelled Upper Canada.²⁵

DR. DUNLOP. It is so, in the back townships, at all events.²⁶

CAPT. STEELE said, the hon. member for Huron had calumniated all the back townships of the province. He (Capt. Steele) had attended township meetings 12 years, and they were always orderly. He wished the proceedings of this House were conducted with as much decency.²⁷

When the 11th section was under consideration, it was altered so as to require but five Councillors from each township, instead of seven.²⁸

MR. HAMILTON contended, that both Councillors and Assessors should have a property qualification; for it was contrary to all ideas of justice, that men with no property, should be allowed to tax men with property.²⁹

MR. WILLIAMS concurred in this, and gave instances of the recklessness with which property was sacrificed, by persons having a little brief authority: one man in his neighborhood, had had three roads laid out through his farm, by the District Council.³⁰

MR. BALDWIN admitted, that there was often great heedlessness in this respect. Under the old law, a road was applied for near Toronto, and granted by the Quarter Sessions, on the evidence of many witnesses, who said the proposed road would be of the greatest advantage to the public. \$50 damages was granted to the man through whose land this road was to run, and from that day to this, those persons who had said the road would be of the utmost benefit to them, had never raised this small sum to pay for it.³¹

MR. ROBLIN thought the power of opening roads should be retained.³²

SIR ALLAN MACNAB objected to paying Township Councils for their services, and entered into calculations to show, that these Councils and

the County Warden Courts would cost a sum of £25,000 per annum. There were 400 townships in U. Canada, and five Councillors for each, at a dollar a day, 15 days in the year, would require £6,000; and County Wardens would probably have 7s. 6d. per day, making £9,000 more; and adding only £10,000 for other officers and expenses, a heavy tax will be laid on the people, by this bill.³³

((The committee advanced)) as far as some of the bye-laws in the 19th clause³⁴.

(112)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Child reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

*Then on motion of Mr. Dunlop, seconded by the Honourable Mr. Morin,
The House adjourned.³⁵*

FOOTNOTES - 9 NOVEMBER 1843.

1. The debate on this matter was reported in: L'AUREOLE, 14 November 1843; MONTREAL GAZETTE, 13 November 1843; ST. CATHARINES JOURNAL, 4 December 1843; and MONTREAL GAZETTE, 14 November 1843, in an account identical to that of BRITISH COLONIST, 17 November 1843. A commentary is found in L'AUREOLE, 14 November 1843.
2. MONTREAL GAZETTE, 14 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. The debate on this matter was reported in: MONTREAL GAZETTE, 14 November 1843, and BRITISH COLONIST, 17 November 1843, in identical accounts; L'AUREOLE, 14 November 1843; ST. CATHARINES JOURNAL, 4 December 1843; and EXAMINER, 15 November 1843.
13. ST. CATHARINES JOURNAL, 4 December 1843.
14. IBID.
15. EXAMINER, 15 November 1843.
16. ST. CATHARINES JOURNAL, 4 December 1843.
17. EXAMINER, 15 November 1843.
18. ST. CATHARINES JOURNAL, 4 December 1843.
19. EXAMINER, 15 November 1843.
20. ST. CATHARINES JOURNAL, 4 December 1843.
21. EXAMINER, 15 November 1843.
22. ST. CATHARINES JOURNAL, 4 December 1843.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. IBID.
32. IBID.
33. IBID.
34. MONTREAL GAZETTE, 14 November 1843.
35. ST. CATHARINES JOURNAL, 4 December 1843: "At 9 o'clock the House adjourned, for the Governor General's ball."

FRIDAY, 10 November 1843.

(112)

Russell Election.

Mr. Prince, Chairman of the Committee appointed to try the merits of the Petition of Alexander Findlay, and other Electors of the County of Russell, complaining of the undue Election and Return of William Stewart, Esquire, as a Member to represent the County of Russell in this present Parliament, presented to the House the Final Report of the said Committee, which was again read at the Clerk's table, as followeth:--

"The Select Committee appointed to try the merits of the Petition of Alexander Findlay and others, Electors of the County of Russell, complaining of the undue Election and Return of William Stewart, Esquire, as a Member to represent that County in this Parliament, beg leave to report the following Resolutions, as their final decision thereon.

Resolved, That it is the opinion of this Committee that Edward Malloch, Esquire, Returning Officer for the County of Russell at the last Election of a Representative in the Provincial Parliament for that County, was not at the time of said Election, nor within a twelvemonth prior to said Election, resident within the said County.

Resolved, That the requirements of the 13th Sec. of the Provincial Statute 6 Victoria, cap. 1, have not been carried out in the appointment of the Returning Officer, at the Election under discussion, and on the part of the Returning Officer in acting in that capacity.

Resolved, That the provisions contained in the said 13th Clause of the said Act, are, in the opinion of this Committee, directory, and their non-observance, not sufficient to vitiate the Election in question.

(113)

Resolved, That therefore the Election and Return of William Stewart, Esquire, as the Representative for the County of Russell, chosen at the said Election, is legal and valid.

Resolved, That the Petition of Alexander Findlay and others, against the said Return, is not frivolous nor vexatious."

Adjournment.

Ordered, That when this House doth adjourn it will adjourn until five o'clock P.M. this day.

Answer to joint Address to His Excellency on Seat of Government.

Mr. Speaker reported, that both Houses attended His Excellency, the Governor General, this day with their Addresses, to which Addresses His Excellency was pleased to give the following Answer:--

Honourable Gentlemen of the Legislative Council,

And,

Gentlemen of the Legislative Assembly:

I will transmit your Joint Address to Her Majesty's Secretary of State, in order that it may be laid at the foot of the Throne.

Then on motion of the Honourable Mr. Viger, seconded by Mr. Chabot, The House adjourned.

5 O'clock, P.M.

Two Petitions
brought up.

THE following Petitions were severally brought up, and laid on the Table:--

By Mr. Foster--The Petition of H. Robinson and others, Inhabitants of the Townships of Stukely, Ely, and Brompton.

By Mr. Forbes--The Petition of the Agricultural Society of the Municipal District of the Lake of Two Mountains.

Mercantile Library,
Montreal.

An Engrossed Bill to Incorporate the Members of the Mercantile Library Association of Montreal, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Major Smith and others, of the Township of Edwardsburgh, in the District of Johnstown; praying to be indemnified for losses sustained through incendiarism in the year 1838.

Of the Minister and Congregation of St. Andrew's Church, St. Peter's Street, Montreal; praying the said Church be exempted from the Provisions of the Bill relating to the Temporalities of the Church of Scotland, now before the Legislature.

Of Charles Cazeau and others, commissioned Cullers of the City of Quebec; praying for certain amendments to the Act regulating the Measurement and Culling of Timber.

Report on Petition
of Geo. Bridgman
& others.

Mr. Forbes, from the Select Committee to which was referred the Petition of George Bridgman and others, Leather Manufacturers and Dealers, in Canada East, and other References, presented to the House

the Report of the said Committee, which was again read at the Clerk's table, and is as follows;

"Your Committee have examined various Parties interested in the manufacture of Raw Hides into Leather, as well as the manufacturers of Leather into Boots and Shoes; the subject of the Petitions referred to them.

"Your Committee most respectfully suggest that there are two methods of affording the relief prayed for, the one, by the addition to the already existing Duties on Leather imported from the United States; the other, by the repeal of the Duty on South American dried or salted Hides, the latter of which they recommend as the soundest policy.

"The Duty on Leather Manufactures has been reduced from 30 per cent, ad valorem, formerly liable under the Imperial Act, to 7 per centum under that authority. Your Honourable House having acknowledged the principle of Protective Duties on Agricultural Products, they respectfully leave that part of the Reference to the consideration of the Provincial Legislature; begging permission, however, to observe, that in those articles of pegged boots and Shoes, the Artisans of Canada contend against Penitentiary labour in the United States; that labour is the most costly portion of the value of those articles, and that the admission of those manufactures at the low Duty must tend to the discouragement, if not to the entire suppression of that Trade in Canada.

"In order to render the illicit Trade in these commodities more easy of detection, Your Committee would recommend that the Officers of Customs, at the Ports where these articles may be entered, be directed to stamp, in legible characters, the Leather, and Boots and Shoes so entered, on which Duty has been paid, with the name of the Port of Entry."

Imperial duties
on certain works.

The Honourable Mr. Black, from the Special Committee appointed to prepare and report the draught of an humble Address to Her Majesty, embodying the Resolutions of this House on the subject of the Imperial Duties, payable upon the importation into this Province of Works promoting useful information, and not issuing from the British Press, presented to the House the said draught of an Address, which was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

Address to Her
Majesty.

We, Your Majesty's dutiful and loyal Subjects, the Legislative Assembly of Canada, in Provincial Parliament assembled, humbly beg leave to represent,

That the advancement of Useful Knowledge is of such primary importance as to merit the attention of every Government, but more especially of any Government conducted on the principles of the British Constitution.

That to promote this invaluable object, one of the most efficacious means is to facilitate the introduction of the best Works of useful information at the least possible expense.

That without now calling in question the wisdom of those regulations by which the importation of reprints of Copyright Works published in the United Kingdom is prohibited, it cannot in our opinion, be wise or consistent with sound policy to discourage the importation of Works promoting useful information, originally written and published in Foreign Countries.

(114)

That in consequence of the peculiar situation and peculiar circumstances of this Country, a very large portion of the Inhabitants speak the French language; and that, for this reason, the Standard Works required by them in the three great Departments of Religion, Literature, and Law, are French, and must be obtained from France.

We therefore humbly pray, that Your Majesty will be pleased to adopt such measures as may in Your Wisdom be deemed expedient, to remove the discouragement arising from the Duties imposed by the Imperial Act on Works of the class above mentioned, and calculated to promote the dissemination of important knowledge, and we beg to assure Your Majesty of our conviction that, in complying with this prayer, Your Majesty will increase the happiness and prosperity of Your Majesty's Subjects in this Province.

Ordered, That the said Address be engrossed.

Address to His
Excellency.

Resolved, That an humble Address be presented to His Excellency, the Governor General, informing His Excellency, that this House hath voted an Address to Her Majesty respecting the importation of Works promoting useful information originally written and published in Foreign Countries, and praying that His Excellency would be pleased to transmit the said Address to Her Majesty's Principal Secretary of State for the Colonies, to be laid at the foot of the Throne.

Ordered, That the said Address be engrossed.

Ordered, That the said Address to His Excellency, the Governor General, and also the Address of this House to Her Majesty, be presented to His Excellency, by such Members of this House as are of the Honourable the Executive Council of this Province.

Public Meetings.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr.

Solicitor General Aylwin,

Ordered, That the amendment made by the Legislative Council to the Bill, intituled "An Act to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the Public Peace thereat," be now taken into consideration.

The House proceeded accordingly to take the said amendment into consideration.

And the said amendment was read, and is as followeth:--
Press. 2. Line 17.--Leave out "eight" and insert "three."

And the said amendment being again read it was agreed to by the House.

Ordered, That the Honourable Mr. Attorney General Baldwin do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendment.

Leave of absence
to Mr. Turgeon.

Ordered, That Mr. Turgeon have leave to absent himself from this House until the twenty fifth of December next, on account of ill health.

On motion of Mr. Thompson, seconded by Mr. Child,

Journal read
on Petition of
Rich'd Brown
and others.

Ordered, That the Entries in the Journals of this House of the twenty-sixth of December, 1842, relating to the Petition of Richard Brown and others, of the County of Haldimand, praying that the said County of Haldimand be erected into a separate District, under the name of the "District of Manchester," be now read.

The said Entries were read accordingly.

Ordered, That the said Entries be referred to the Select Committee to which was referred the Petition of John Harris and others, Inhabitants of Grimsby, and other Townships in the District of Niagara.

Leave of absence to
Mr. Thorburn.

Ordered, That Mr. Thorburn have leave to absent himself from this House for a fortnight, on urgent business.

On motion of Mr. Thompson, seconded by Mr. Child,

Address on
Petitions of
James Little and
others, & of the 6
Nation Chiefs.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, copies of two Petitions filed in the office of the Executive Council, the one from James Little and others, and the other from the Chiefs and Sachems of the Six Nations Indians, residing on the Grand River Tract, both relating to Indian Lands.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of the Honourable Mr. Solicitor General Aylwin, seconded by Mr. Barthe.

Bankrupt Bill.

Ordered, That the Engrossed Bill from the Legislative Council, intituled "An Act to repeal an Ordinance of Lower Canada, intituled 'An Ordinance concerning Bankrupts and the Administration and distribution of their Estates and Effects,' and to make provision for the same object throughout the Province of Canada," be read a second time, on Friday next.

Preservation of Fish in the waters of Stanstead, &c.

A Bill for the better preservation of certain species of Fish in the Rivers and Waters of the Counties of Stanstead, Sherbrooke, Missisquoi, and Shefford, was according to order, read a second time.

Resolved, That the said Bill be referred to a Special Committee of five Members, to report thereon, with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Child, Mr. Papineau, Mr. Hamilton, Mr. De Witt, and Mr. Moore, do compose the said Committee.

Toll exemption.

A Bill to exempt vehicles, conveying manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads, was, according to order, read a second time.¹

MR. JONES ... objected to the Bill as interfering with vested rights.²

(114)

Resolved, That the said Bill be referred to a Special Committee of five Members to report thereon, with all convenient speed, with power to send for persons, papers, and records.

Ordered, That the Honourable Mr. Neilson, Sir Allan N. MacNab, Mr. Quesnel, Mr. Price, and Mr. Chabot, do compose the said Committee.

Measurement of Timber.

A Bill to regulate the Inspection and measurement of Timber, Masts, Spars, Deals, and other articles of a like nature, was, according to order, read a second time.

Mr. Cameron moved, seconded by Sir Allan N. MacNab, That the said Bill be now referred to a Committee of the whole House.³

MR. NEILSON opposed this. The bill affected two parties - the hon. member for Lanark, represented one - and he would hurry through the bill, without waiting for the other party to be heard. He (Mr. N.) was opposed to all compulsory inspection, with its taxes for salaries to supervisors, cullers, etc. There was one odious feature of the bill - timber may be shipped at Montreal, free from these burdens; but not at

Quebec. If this law passes, it will soon be repealed, like some others. Our timber has to compete, in English markets, with timber from the lower ports; and that from the territory so shamefully ceded - I beg pardon Mr. Speaker - by the British Government to the United States - the most finely timbered territory on this continent; and if we burden the trade with these taxes, it will soon be driven away altogether.⁴

MR. CAMERON said, there is no opposition to the bill, in its present shape, from the parties alluded to by the hon. member from Quebec. It came to his (Mr. C.'s) hands, from Quebec. The Board of Trade drew back from the agreement made by their own Commissioner, but the bill is founded on the agreement. There is no compulsory inspection in it, except in the mode of carrying out a contract for inspection. When a contract is made to have lumber measured, it must be done by authorized cullers: that is all.⁵

(114)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs AYLWIN, BOSWELL, CAMERON, CARTWRIGHT, COOK, DUGGAN, FOSTER, HALE, HINCKS, HOLMES, HOPKINS, JUDAH, KILLALY, SIR ALLAN N. MACNAB, D. McDONALD, J. S. MACDONALD, MCLEAN, MORRIS, PAPINEAU, PARKE, POWELL, PRICE, and TACHE.--(23.)

NAYS.

Messieurs BARTHE, BERTHELOT, CHILD, CHRISTIE, DALY, DE WITT, FORBES, JOBIN, JONES, LACOSTE, LAFONTAINE, LESLIE, MERRITT, MORIN, NEILSON,

(115)

QUESNEL, SMALL, THORBURN, D. B. VIGER, L. M. VIGER, WAKEFIELD, WATTS, and WILLIAMS.--(23.)

And the votes being equally divided, Mr. Speaker gave his casting vote in the negative.

Ordered, That the said Bill be referred to a Committee of the whole House on Tuesday next.

Trust & Loan
Company.

A Bill for incorporating and granting certain powers to the Upper Canada Trust and Loan Company, was, according to order, read a second time.⁶

MR. CARTWRIGHT said, the object of the bill was, to incorporate the parties to loan money on real estate, giving them certain powers to collect their interest and principal, if not paid. There is a great dearth of capital, in Canada, and every means should be taken to introduce capital from England, where it is so abundant as to be lent at 2

or 2½ per cent.⁷ And if it could only be shown to capitalists, that this country offered secure and profitable investments, they would be very willing to loan their money. If the company asked for unreasonable privileges, it was for the House to respond to them accordingly.⁸ The bill confers no extraordinary powers, the chief being a power to take interest half yearly in advance. If it be said that such a company would facilitate running in debt; we cannot prevent an imprudent man from involving himself; but such cases would be exceptions to the general effect of the bill, which will be to stimulate industry, by furnishing the means of conducting its labors to advantage.⁹ The banks by their charter could not loan money on Real Estate, consequently they could not afford the necessary accommodation. - Without capital no advantage could be taken either of the natural wealth beneath the surface, nor of the fertility of the soil. The interest by the Bill was to be limited to six per cent., to be paid half yearly in advance. In the State of Ohio, which contained upwards of a million of inhabitants, a company of this kind had been in operation for many years, and had been found to be one of the safest and most profitable investments. If, as it was admitted, capital was absolutely necessary for the improvement of land, and to give encouragement to industry, the Bill now before the House offered these advantages, and he trusted it would not be opposed.¹⁰

MR. VIGER objected to all such companies as monopolies, that would enable a few capitalists to buy up all the land, so that a person with a small capital could only purchase at an exorbitant rate. Capital did not bring capital into a country, but industry did.¹¹ If Government would give premiums to farmers, for the cultivation of green crops, they would do more for the country than all the companies that can be formed, and more than all protective duties can do. Flanders has become the first agricultural country of Europe, by her system of green crops; and they have made England produce twelve times more than formerly.¹² The country should look for advancement to good laws, and not to such a source as this. It was a disgrace to the Legislature to encourage companies to do what might be accomplished by individuals. In England, the banks did not deal in land, but were for commercial purposes. He (Mr. Viger) never heard of a company formed in England to lend money to the Government, which could always obtain what it required without any occasion for such companies - which in the majority of instances were an injury to the country rather than a benefit. It was by economy and industry a country became wealthy, and not by the introduction of capital, as it was contemplated in the Bill.¹³

MR. HINCKS regretted differing from the hon. member for Richelieu. The farmers of U. Canada had been in the habit of borrowing money from the Banks, which was lent for short periods only, before the borrower could realize a return from it; and, consequently, they are sued, have to pay heavy costs, and not unfrequently (sic) lose their property; whereas, if there were facilities for having money at moderate interest, for longer periods, they would have profitted by the loan.¹⁴ Capital, from its abundance in Great Britain, could easily be obtained for this

purpose, were encouragement held out to the proprietors to lend it. And why should such companies not lend to the Government¹⁵? It is quite proper, and is done now, to a large extent. Government is now paying 8 per cent. interest for money borrowed in Lower Canada; and is constantly borrowing money from the Banks. The whole capital of the Bank of England is lent to the Government, and large sums besides. We cannot accumulate capital without industry; but capital will encourage and help industry. Individuals may sometimes borrow money foolishly - a fault that the Legislature could not prevent. It would be most objectionable to refuse incorporating persons, who propose to lend money at legal interest.¹⁶ If, according to the Bill, capital could be introduced with safety to the people of Canada, he would be very glad to see the measure carried into operation.¹⁷

SIR A. MACNAB wished to know how improvements were to be carried on in the country without money. He was satisfied this was a Bill loudly called for by the country.¹⁸ Had heard this measure spoken of, on the other side of the Atlantic, and the security is so good, there will be no difficulty in getting money. There is no monopoly. It will not hinder the hon. member for Richelieu from lending his money, and he has lots of it. Nor will it interfere, in any way, with the Banks.¹⁹

DR. DUNLOP could not conceive that a company having £500,000 to lend, was a monopoly, any more than an individual who lent £100, was such. He would admit willingly, from long experience, that it was unwise for a farmer to borrow money on mortgage - the returns are so small; but it would abridge the liberty of the subject to hinder him from doing so, when he could and would. It may be wrong - improvident - for him to do so; but we are no judges of that. The Canada Company hold a great quantity of land, and have been strongly censured by many; but it has done great good, brought the country into notice, and turned the tide of emigration to it, to work its undeveloped riches - undeveloped, because no money to work them. And will you hinder the country from getting money? It is said the company may deprive persons of their land. If they did, the country would be improved. The Ayr bank, in Scotland, lent money on land, and the Bank was ruined by it; but the country was improved. Companies of this kind have lent vast sums to the United States, and it is said the States are ruined by these loans. They are temporarily in difficulty; but would they have had canals, or rail roads, or a settled country, but for these loans? The Bank of England is the Bank of the nation, and makes bargains with the Government managing the debt, and the half pay list, and a good bargain it has proved.²⁰

MR. WAKEFIELD said, that, although companies of this sort were new here, they are well known in all the other colonies. There are several trust and loan companies in London, which lend money in the colonies, in the southern hemisphere, which felt the want of capital, their industry being paralyzed without it. Persons there, had large property; which they were unable to improve for want of money. And although it is

16,000 miles from England, they sent persons over thither to borrow money, who, when they arrived, exhibited their title deeds, supported by certificates from surveyors and others, of how much the value of the property could be increased by certain improvements being effected - a mill there, a bridge here, a road in another direction. The capitalist would say, this is a flattering picture, but how can I be sure that it is correct? I cannot send an agent to see and report to me, on the subject. This led to the first loan company of large capitalists, to lend money in the Australian colonies; and others have followed, each of whom sends out a competent agent. Their capital is subscribed, but no part paid up. They are incorporated to borrow as well as lend money; and their subscriptions are deemed ample security for a loan to any amount. On these they borrow money, probably from Insurance companies, at $3\frac{1}{2}$ or 4 per cent., and either transmitted it to the colonies, or allowed it to be drawn, on by their agents for loans. These agents being on the spot, were able to ascertain and weigh well the value of the property on which a loan was wanted, and the nature of the security offered. Several millions are now employed in this way, by different companies. Their agents are men of known high characters, shrewd, active, superior men, and are paid a high salary, (£2,000 sterling per annum,) in order to retain a gentleman on whom they can rely, and induce him to devote all his energies to their affairs. All these companies prosper, and it has been a source of wonder among the capitalists of London, that nothing of the sort was in operation in Canada. The companies carefully avoid lending money to needy men, or persons in difficulty; and their profit consists in the difference between the rate of interest at which they borrow, and lend. If they were to conduct their affairs so as to become possessors of much land, they would soon be embarrassed, from the difficulty of managing large landed estates by agents; and one of the companies owns no land, and never closed a mortgage. Instructions are sent out to the agents, not to lend money except to persons who are going to improve property. If they were to lend to needy men, they would soon become possessors of real estate to a large amount.²¹

MR. AYLWIN spoke against the bill.²²

MR. CARTWRIGHT said, that, although the capital of Banks might accumulate more than the mercantile community might require, they were very properly restrained from lending it on landed security. To redeem their notes, they must keep their capital in such things as are easily converted into money; for they cannot give an acre of land for 100 dollar notes, though it might be worth that sum. Hence there is a kind of necessity for an association of this sort. One man with £100, cannot do much; but 100 men with £100 each, can do a great deal. And if a man wanted to borrow, he would not know where to find any person to lend; but if a company be formed for this purpose, he will know where to go, and be certain of being accommodated.²³

MR. WILLIAMS spoke in favour of the Bill.²⁴

MR. BALDWIN was in favor of the principle of the bill, although there might be details he could not approve. He would facilitate the introduction of redundant capital from Great Britain to this country, and would incorporate a company for this purpose; but would not empower them to acquire land in any other than the ordinary way, by foreclosing the mortgage in due process of law. Nor would he give any facility for recovery of debts, other than is given by law; nor yet allow interest to be paid in advance. As a new company for managing capital in improving the country, it was entitled to receive ordinary corporate powers, but nothing more.²⁵

MR. NEILSON would be careful in granting such powers. The people are in debt, and we should not help them to increase their debts.²⁶

MR. DURAND approved of the bill. A bill like this, passed the Legislature of Upper Canada, and was sent home for the Royal assent. The bearer of the bill was knighted, but the bill was benighted, and never heard of afterwards.²⁷

(115)

Ordered, That the said Bill be referred to a Committee of the whole House, on Wednesday next.

N. A. Colonial Association.

A Bill to give further powers to the North American Colonial Association of Ireland, was, according to order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Tuesday, the twenty-first instant.

J. A. P. Barbier.

A Bill to naturalize Jacques Adrien Pierre Barbier, and Euphraisie Barbier, his wife, was, according to order, read a second time.

Resolved, That the said Bill be referred to a Select Committee, composed of Mr. Cartwright, the Honourable Mr. Black, and the Honourable Mr. Neilson, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Report on Petition of Paul Glasford and others.

The Order of the day for the House in Committee on the Report of the Special Committee to which was referred the Petition of Paul Glasford, and others, appointed to superintend the erection of a Gaol and Court House in Brockville, being read,

The House accordingly resolved itself into the said Committee.

Mr. Hopkins took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hopkins reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by

the House, and is as followeth:--

Resolved, That the Municipal Council of the District of Johnstown, be authorized and required to pay such debts as may have been legally contracted by the Committee of Magistrates, appointed to superintend the erection of a new Gaol and Court House at Brockville, under the Act of the Province of Upper Canada, 1 Viet. cap. 38, in the erection and completion of the same, and that the said Council be empowered to raise by Assessment the necessary moneys for that purpose.

Ordered, That Mr. Morris have leave to bring in a Bill to declare a debt contracted by the Committee of Magistrates of the Johnstown District, to enable them to complete the New Gaol and Court House of said District, to be a debt payable by the District Council.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday, the twenty-first instant.

British Fisheries
Gulf of St.
Lawrence.

The Order of the day for the House in Committee on the Bill to incorporate certain persons therein named, with others, providing funds towards carrying on the British Fisheries in the Gulf of

St. Lawrence, and District of Gaspé, and mining in the said District, under the style of the Gaspé fishery, commercial, and mining Company, being read,

The House accordingly resolved itself into the said Committee.

Mr. Parke, took the Chair of the Committee,²⁸

The ... Bill went through Committee very harmoniously with several amendments, one of which was submitted by MR. AYLWIN, who appeared to have altered his opinion with regard to the measure. Half the capital is to be paid down, and the Bill to remain in force until 1873.²⁹

(115)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Parke reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Message from His
Excellency.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, delivered to Mr. Speaker a Message from His Excellency, the Governor General,

signed by His Excellency,

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:--

C. T. Metcalfe.

Private Stock,
Welland Canal.

The Governor General recommends to the consideration of the House of Assembly, the substitution of other and more convenient provisions for the purchase of the interest of the private shareholders in the Welland Canal, in lieu of those contained in the Act passed by the Legislature of Canada in the Session of 1841.

Government House,
Kingston, 10th November, 1843.

Towns &c.
Incorporation.

The Order of the day for the House in Committee on the Bill to provide for the Incorporation of Townships, Towns, Counties, and Cities in Upper

Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee,³⁰

There was barely a quorum. After getting to the 28th clause the Committee rose³¹.

(115)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

Then on motion of Mr. Williams, seconded by the Honourable Mr. Viger,

The House adjourned until Monday next.

APPENDIX, 10 NOVEMBER 1843.

((QUESTION AND ANSWER RE: PAYMENT OF MUNICIPAL DEBTS.))

M. BOUTHILLIER demande au ministère si c'est l'intention du gouvernement de pourvoir dans cette session par bill ou autrement à ce que les dettes contractées par certains conseils municipaux, soient payées.³²

L'hon. M. MORIN répond à cette question: "que ce n'est pas l'intention du gouvernement d'introduire un bill à cet effet, mais qu'il se propose de donner aux municipalités le pouvoir de prélever les sommes nécessaires et que si ces moyens n'étaient pass (sic) suffisan (sic) qu'il y serait pourvu autrement dans une autre session."³³

FOOTNOTES - 10 NOVEMBER 1843.

1. The following was reported in: MONTREAL GAZETTE, 14 November 1843, in an account identical to that of BRITISH COLONIST, 17 November 1843; and LA MINERVE, 18 November 1843.
2. MONTREAL GAZETTE, 14 November 1843. The GAZETTE commented that Mr. Jones "has a bridge at St. Johns, over the River Richelieu, near Montreal".
3. The debate on this matter was reported in: MONTREAL GAZETTE, 14 November 1843, in an account identical to that of BRITISH COLONIST, 17 November 1843; and ST. CATHARINES JOURNAL, 7 December 1843.
4. ST. CATHARINES JOURNAL, 7 December 1843.
5. IBID.
6. The debate on this matter was reported in: MONTREAL GAZETTE, 14 November 1843, and BRITISH COLONIST, 17 December 1843, in identical accounts; ST. CATHARINES JOURNAL, 7 December 1843; and EXAMINER, 15 November 1843.
7. ST. CATHARINES JOURNAL, 7 December 1843.
8. MONTREAL GAZETTE, 14 November 1843.
9. ST. CATHARINES JOURNAL, 7 December 1843.
10. MONTREAL GAZETTE, 14 November 1843.
11. IBID.
12. ST. CATHARINES JOURNAL, 7 December 1843.
13. MONTREAL GAZETTE, 14 November 1843.
14. ST. CATHARINES JOURNAL, 7 December 1843.
15. MONTREAL GAZETTE, 14 November 1843.
16. ST. CATHARINES JOURNAL, 7 December 1843.
17. MONTREAL GAZETTE, 14 November 1843.
18. IBID.
19. ST. CATHARINES JOURNAL, 7 December 1843.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. MONTREAL GAZETTE, 14 November 1843.
25. ST. CATHARINES JOURNAL, 7 December 1843.
26. IBID.
27. IBID.
28. The following was reported in: MONTREAL GAZETTE, 14 November 1843, BRITISH COLONIST, 17 November 1843, and ST. CATHARINES JOURNAL, 7 December, in identical accounts; and LA MINERVE, 18 November 1843.
29. MONTREAL GAZETTE, 14 November 1843.
30. The following was reported in: MONTREAL GAZETTE, 14 November 1843, BRITISH COLONIST, 17 November 1843, and ST. CATHARINES JOURNAL, 7 December 1843, in identical accounts.
31. MONTREAL GAZETTE, 14 November 1843.
32. LA MINERVE, 18 November 1843.
33. IBID.

MONDAY, 13 NOVEMBER 1843.

(115)

Eight Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honourable Mr. Neilson--The Petition of William Price, Esquire, of Quebec, Merchant.

By Mr. D. McDonald--The Petition of John Chitty, and others, Inhabitants of the Districts of Dalhousie and Ottawa.

By Mr. Cameron--The Petition of Charles H. Sache and others, Inhabitants of the District of Bathurst; the Petition of the Minister, Elders and Congregation, of the Presbyterian Church, in Dundas; and the Petition of Andrew Dickson, Sheriff of the District of Bathurst.

By Mr. Leslie--The Petition of Thomas Mullon and others, Tide Waiters at the Port of Montreal; and the Petition of James Morgan and others, Inhabitants of Cote St. Martin, Longue Pointe, and Pointe aux Trembles, in the District of Montreal.

By Mr. Powell--The Petition of G. R. Lounsbury and others, Members of the Baptist Church and Congregation at Simcoe, in the District of Talbot.

Petitions read.

Pursuant to the Order of the day the following Petitions were read:--

Of the Right Rev. the Lord Bishop of Montreal, and others, Inhabitants of Lower Canada; praying to be incorporated under the title of "The Church Society of the Diocese of Quebec."

(116)

Of H. Solomon and others, Trustees of the Montreal Congregation of Israelites; praying for certain amendments to the Act 9 and 10 George IV. cap. 75.

Of Joseph Paquet and others, Pilots for the Navigation of the St. Lawrence, between the Ports of Montreal and Quebec; praying for certain amendments to the laws regulating their calling.

Of the Honourable Grant de Longueuil and others, Inhabitants of the Town of St. John's, and of its vicinity; praying for an establishment of a Court of Quarter Sessions in the said Town; and for authority to build a Gaol, upon the guarantee that the cost of the same will be re-funded to them by the Province.

Of Guillaume D'Eschambault, Physician, of the Village of Laprairire de la Magdeleine; praying such compensation as the House may see fit to grant, for his services as Commissioner, concerning the contested Election of Mr. O. Berthelet, in 1833.

Of H. Robinson and others, Inhabitants of the Townships of Stukely, Ely and Brompton; praying an aid for a road from Sherbrooke to Montreal, through the said Townships.

Of the Agricultural Society of the Municipal District of The Lake of Two Mountains; praying for the repeal of the Act now in force, and the re-enactment of an Ordinance repealed therein, relative to the construction of Winter carriages.

Petitions re-
ferred. Major
Smith and others.

Ordered, That the Petition of Major Smith and
others, of the Township of Edwardsburgh in
the District of Johnstown, presented to the
House on the eight instant, be referred to

the Select Committee appointed to ascertain whether any, and if so what plan can be devised to indemnify the losses and satisfy the claims sustained and made by Individuals during the late Rebellion and Invasions of the late Province of Upper Canada.

Rt. Rev. The
Lord Bishop of
Montreal and
others.

Resolved, That the Petition of the Right Rev. the
Lord Bishop of Montreal and others, Inhabitants
of Lower Canada, be referred to a Special
Committee of five Members, to examine the
contents thereof, and to report thereon with

all convenient speed, with power to send for persons, papers, and Records.

Ordered, That Mr. Hale, the Honourable Mr. Neilson, Mr. Holmes, Mr.
Williams, and the Honourable Mr. Black, do compose the said
Committee.

G. D'Eschambault.

Ordered, That the Petition of Guillaume D'Escham-
bault, Physician, of the Village of Laprairie

de la Magdeleine, be referred to the standing Committee on Contingencies.

St. Andrew's Church,
Montreal.

Ordered, That the Petition of the Minister and
Congregation of St. Andrew's Church, St.
Peter's Street, Montreal, presented to the

House on the eight instant, be referred to the Special Committee, to which was referred the Bill, to provide for the management of the temporalities of the Presbyterian Church of Canada, in connexion with the Church of Scotland and other references.

First Report from
Committee on
Privileges and
Elections.

The Honourable Mr. Neilson, from the Standing Committee of Privileges and Elections, presented to the House the First Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee, in conformity with the order of reference to them given, beg leave to report that they have inquired into the circumstances which have delayed the issue and return of the Writ for the late election for the County of Hastings, and they have annexed to this Report the minutes of evidence taken thereon.

Your Committee are of opinion, that the delay which has occurred, has not arisen from any fault or intention on the part of the Clerk of the Crown in Chancery, or other public Officer, but chiefly from complaint made and notice given by a Member of this House, of a proposed investigation into the conduct of the late Returning Officer at the preceding Election, which suggested the propriety of not re-appointing him as Returning Officer on the present occasion and selecting another person.

Felix Fortier, Esquire, Clerk of the Crown in Chancery, called in and examined--

1. You are the Clerk of the Crown in Chancery?--I am.
2. When did you receive the order to issue the new writ for the county of Hastings?--On the 4th October, at half-past 12 o'clock, I received the Speaker's warrant for the issuing of a writ for the election of a Knight to represent the County of Hastings.
3. When was the Writ issued?--On the 13th October.
4. Can you state what occasioned the delay from the 4th to the 13th?--The occasion of the delay seems to be, the necessary proceedings for the issuing of a Writ; on the 4th October, about 4 o'clock, I sent a letter marked A. (App. No. 1) to the Secretary of the Province as usual, the moment I receive the Speaker's warrant, I have prepared the Writs and Commissions, leaving blanks to be filled up according to the directions of the Governor General. It was only on the 9th October after 3 o'clock, that I received a letter marked B. (App. No. 2) from the Assistant Secretary West--having had difficulty in making out the name of Mr. Billa Flint, (it not being very legibly written) after enquiry, I took it for Billar, and filled up the Commission with that name.
I made out the Writ on the same day, and sent it next morning to be signed by the Governor General. I got back the Writ enregistered late in the evening of the 12th, by a Messenger from the House, bringing it to me at my lodgings--next day I sent the whole by Post, to the Returning Officer, with a letter of instructions marked C. (App. No. 3.)
In the afternoon of the 17th October, I received a letter from Mr. Hutton, the Returning Officer, marked D. (App. No. 4.); by my letter of the 4th October, I had informed the Secretary, that Mr. Gilbert had already acted before under the name of Gilberts. I found his name by referring to the Book of Record, and by looking to the letter of Mr. Assistant Secretary of 17th September, 1842, I find that the name is Gilberts and not Gilbert. Mr. Gilbert acted as Commissioner for the first time in 1842. On 17th October, as soon as I received the letter marked D. (App. No. 4,) I wrote the letter marked E. (App. No. 5) and sent a new Commission, dated 17th Instant, with the name rightly spelt,--next day, 18th, the Commission was recorded, and sent to the Returning Officer.

5. Had you any communication with any person other than those mentioned in your official communication on the subject of the issuing of the Writ?--I had not.

William Hutton, Esquire, called in and examined.

(117)

Hastings Election.

6. Were you the Returning Officer at the late Election for the County of Hastings?--I was.

7. When did you receive the Writ?--I received the Writ for the County of Hastings, on Saturday the 14th October, at 8 o'clock P.M.

8. What day was fixed for the opening of the Election?--I issued the Proclamation on the 16th October, at 3 o'clock P.M., appointing Friday, the 27th Instant as the nomination day--thus giving ten days notice, because an earlier day would have interfered with the Judge who was holding the Assizes and occupying the Court Room, which I required on account of the inclement weather; on that day (the 27th inst.) a Poll being demanded, I granted it,--to be taken on the first and second days of November, allowing the four days as required by Law--met again in the Court House on Saturday the 4th November, and declared Edmund Murney, Esquire, duly elected by a majority of 78 votes; had the Indenture prepared same day and brought it to Kingston on the 6th., at half-past five o'clock P.M., and made my return on the next day in the forenoon; issued the Proclamation without waiting for the Dedimus, which I enclosed to the Clerk of the Crown in Chancery on the 16th, because the names were mis-spelt, fearing that it might be of some consequence, and received a new Dedimus by return of Post; the names in the Dedimus being mis-spelt did not delay the Election--as I issued the Proclamation as soon as possible after the receipt of the Writ.

James Hopkirk, Esquire, called in and examined.

9. What is your official situation under Government?--Assistant Secretary Canada West.

10. Had you any communication with Clerk of the Crown in Chancery, relating to the issuing of the Writ for Hastings?--I had no direct communication, in the first instance, with him--I think it was on the 5th October, Mr. Daly informed me, that he had received a letter from Mr. Fortier on the subject of the Hastings Election. Mr. Daly gave me no instructions at that time; on the 9th October he directed me to write to Mr. Fortier, with the names of the Returning Officer and Commissioners; my impression is, this was about three o'clock P.M. I immediately wrote the letter myself in place of drafting it, and having it copied to save time. On the 17th October Mr. Fortier handed me the letter of that

date, pointing out the mistake in the names of the Commissioners, with a new Dedimus; I immediately sent it to Government House, with a memorandum to His Excellency explanatory of it, and requesting that it might be returned as soon as possible. The instant it was returned it was sent to the Register, where Mr. Fortier called for it and received it on the 18th October.

The Honourable Mr. Attorney General Baldwin, Chairman of the Committee, examined.

11. Did you have any communication with any person relating to the issuing the Writ for the Hastings Election, and if so, will you be pleased to state what occurred?--In consequence, as I understood from Mr. Secretary Daly, of a remonstrance transmitted to the Governor General, through the Private Secretary, against the appointment of Mr. Moodie, as Returning Officer, His Excellency called for information as to the exact state of the matter as it stood before the House. This occasioned the first delay. After the information was reported to the Governor General, but before the Commission was made out for Mr. Moodie, Sir Allan MacNab informed me in the House that he had received affidavits on the subject of the conduct of Mr. Moodie at the last Election, in consequence of which he intended to move the House for an Enquiry. I felt it my duty upon this information to communicate the same to the Head of the Government, and upon consideration of this announcement of Sir Allan MacNab, His Excellency deemed it inexpedient to re-appoint Mr. Moodie on this occasion. Mr. Hutton, the Warden of the District, was then suggested for Returning Officer, but as he had been spoken of as a Candidate in 1841, it was thought better to wait a day or two, to ascertain who the Candidates were before appointing him. I had reason myself daily to expect a letter from Belleville, giving me this information and a day or two was lost in waiting for it. As soon as it was ascertained that Mr. Hutton was not a Candidate, the Instructions were given for preparing the appointments of Returning Officer and Commissioners for administering the oath.

These delays took place, I believe, between the 5th and 9th October, but I kept no memorandum that would enable me to state the days on which they occurred. My communication with the Governor General was through Mr. Secretary Daly, whose duty it was to call His Excellency's attention to the necessity of making the appointments.

Edmund Murney, Esquire, M.P.P., called in and examined.

12. Were you in Town when the Election for Hastings was declared void, and a new Writ issued?--I remained in Kingston for two days after the Writ for the County of Hastings was ordered, for the purpose of ascertaining the Returning Officer's name: during those two days, I called repeatedly upon Mr. Fortier to see the Writ: at first it was refused, but afterwards Mr. Fortier showed me the Writ filled up, but without any

name for the Returning Officer.

A. (Appendix No. 1.)

(Copy.)

Office of the Clerk of the Crown in Chancery,
Kingston, 4th October, 1843.

SIR,

The Honourable Speaker of the Legislative Assembly having addressed to me his Warrant for the Election of a Member to represent the County of Hastings, I beg to be furnished with the names of the Returning Officer and the Commissioners, at the next Election. The Commissioners at the last Election were William Hutton and John Gilberts, Esquires, together with J. W. Dunbar Moodie, Esquire, who acted as Returning Officer.

I have the honour to be,
&c. &c. &c.

(Signed,)

Felix Fortier,
C.C.C.

Honourable D. Daly,
Secretary,
Kingston.

(Copy.)

Secretary's Office,
Kingston, 17th September, 1842.

SIR,

I have the honour, by command of the Governor General, to acknowledge the receipt of your letter of this date, and am to acquaint you in reply

(118)

that His Excellency has been pleased to direct that the Election for Hastings shall take place at Belleville, upon Monday the third proximo, and that J. W. Dunbar Moodie, Esquire, Sheriff of the District of Victoria, shall be Returning Officer, and that the said J. W. D. Moodie, William Hutton, and John Gilberts, Esquires, shall be Commissioners, and that the Election for the Fourth Riding of York, shall take place at Sharon, on Monday the third day of October next, and that George Lount, Esquire, shall be Returning Officer, and that the said George Lount, Jacob AEmelius Irving, and James Pearson, Esquires, shall be Commissioners.

I have the honour to be, Sir,
Your most obedient,
humble Servant,

James Hopkirk,
Ass't Secretary.

Felix Fortier, Esquire.

B. (Appendix No. 2.)

(Copy.)

Secretary's Office, West,
9th October, 1843.

SIR,

I have the honour, by command of the Governor General, to acknowledge the receipt of your letter of the 4th instant, and to acquaint you in reply, that His Excellency has been pleased to direct that William Hutton, Esquire, shall be Returning Officer, and the said William Hutton, John Gilberts, and Billa Flint, Junior, Esquires, Commissioners at the ensuing Election for the County of Hastings.

I have the honour to be, Sir,
Your most obedient, humble Servant,

James Hopkirk,
Ass't Secretary.

Felix Fortier, Esquire,
&c. &c. &c.

C. (Appendix No. 3.)

(Copy.)

Office of the Clerk of the Crown in Chancery.
Kingston, 13th November, 1843.

To William Hutton, Esquire,
Returning Officer for the County of Hastings.

SIR,

I have the honour, by command of the Governor General, to enclose to you herewith, a Writ for the Election of a Member for the County of

Hastings, together with a Commission appointing you Returning Officer, and another appointing you Commissioner together with John Gilberts and Billa Flint, Junior, Esquires.

You will proceed without loss of time to make proclamation according to the 9th Section of the Act 6th Vict. cap. 1, and take the other necessary steps in accordance with the requirements with that Statute and other Statutes for the election of Members (copies of part of which Statutes are enclosed herewith for the guidance of yourself and Deputies.) At the same time, I will also call your attention to the Imperial Statute, 31st Geo. 3: cap. 31: Sections 20, 21, 22, 23, 24, and to the Provincial Statutes 4 Geo. 4: cap. 3: (the 12th and 15th Sections being repealed), the 4th Will. 4: cap. 14.

You will observe that your Commission contains no directions as to the time or places of holding the Election, the late Act having transferred the duty of naming these to the Returning Officer, who must, however, of course, observe the directions of the Statute in these as in all other particulars.

An acknowledgment of the receipt of the enclosed document, at your earliest convenience, will oblige

Your obedient Servant,

(Signed,)

F. Fortier,
C.C.C.

D. (Appendix No. 4.)

(Copy.)

Belleville, October 16th, 1843.

SIR,

I have the honour to acknowledge the receipt of your letter of the 13th inst. covering Writ for the Election of a Member for Hastings, also Commission "Dedimus," copies of the Statutes, &c. &c. &c.

The names of the two Gentlemen mentioned in the Dedimus being mis-spelt, I have taken the liberty to re-indorse it for alteration, fearing lest the error might be of some importance. Instead of "John Gilberts," it should be "John Gilbert," and instead of "Biller Flint," Junior, it should be "Billa Flint," Junior.

I have the honour to be, Sir,

Your most obedient humble Servant,

William Hutton,
Returning Officer.

To Felix Fortier, Esquire, C. C. C.
&c. &c. &c. Kingston.

E. (Appendix No. 5.)

(Copy.)

Office of the Clerk of the Crown in Chancery,
 17th October, 1843.

SIR,

I beg leave to state for His Excellency's information, that I have received this afternoon, from Wm. Hutton, Esquire, Returning Officer for the County of Hastings, a letter including the Commission Dedimus Potestatem, which has been issued by His Excellency, the Governor General, addressed to himself, John Gilberts and Biller Flint, Esquires, stating that the names of the two latter Gentlemen being mis-spelt (that is Gilbert instead of Gilberts, and Billa Flint, instead of Biller Flint,) he thought proper to re-inclose the said Commission for alteration. In consequence, I have prepared a new Commission, with the names of the Gentlemen correctly spelt, in order to avoid any delay, should His Excellency order the error to be rectified by a new Commission. I take also the liberty of enclosing the first Commission.

I have the honor to be, Sir,
 Your obedient Servant,

(Signed,)

Felix Fortier,
 C. C. C.

F. (Appendix No. 6.)

(Copy)

Office of the Clerk of the Crown in Chancery,
Kingston, 4th October, 1843.

SIR,

The Honourable Speaker of the Legislative Assembly, having addressed to me his warrant for the Election of a Member to represent the County

(119)

of Hastings, I beg to be furnished with the name of the Returning Officer,

and of the Commissioners at the ensuing Election. The Commissioners at the last Election, were William Hutton and John Gilberts, Esquires, together with J. W. Dunbar Moodie, Esquire, who acted also as Returning Officer.

I have, &c.

Felix Fortier,
C. C. C.

Honourable D. Daly,
Secretary,
Kingston,

A true Copy.

D. Daly,
Secretary.

(Copy.)

Secretary's Office,
Kingston, 9th October, 1843.

SIR,

I have the honour, by command of the Governor General, to acknowledge the receipt of your Letter of the 4th Instant, and to acquaint you in reply, that His Excellency has been pleased to direct that William Hutton, Esquire, shall be Returning Officer, and the said William Hutton, John Gilberts, and Billa Flint, junior, Esquires, Commissioners at the ensuing Election for the County of Hastings.

I have &c.

James Hopkirk.

Felix Fortier, Esquire,
Clerk of the Crown in Chancery.

A true Copy.

D. Daly,
Secretary.

(Copy)

Office of the Clerk of the Crown in Chancery,
Kingston, 17th October, 1843.

SIR,

I beg leave to state for His Excellency's information, that I have received this afternoon, from William Hutton, Esquire, Returning Officer for the County of Hastings, a Letter, including the Commission Dedimus Potestatem, which has been issued by His Excellency the Governor General, the ninth instant, addressed to himself, John Gilberts and Biller Flint, Esquires, stating that the names of the two latter Gentlemen, were misspelt (Gilberts instead of Gilbert, and Biller Flint instead of Billa Flint) and that he thought proper to re-inclose the said Commission for alteration. In consequence I have prepared a new Commission with the names of the same Gentlemen, correctly spelt, in order to avoid any delay, should His Excellency order the error to be rectified by a new Commission.

I take also the liberty of enclosing at the same time the former Commission.

I have, &c.

(Signed)

Felix Fortier,
 C. C. C.

James Hopkirk, Esquire,
 Assistant Secretary (West.)

A true Copy.

D. Daly,
 Secretary.

(Copy)

Kingston, 4th October, 1843.

SIR,

We have the honour to state to you, for the information of His Excellency the Governor General, that we were at the last Election for the County of Hastings, Freeholders therein, and present thereat; that the Returning Officer, J. M. Dunbar Moodie, Esquire, (who is also now and was then Sheriff of the District of Victoria) did throughout the said Election exhibit a decided bias and partiality for the Government Candidate, the Honourable Robert Baldwin, the present Attorney General for Canada

West, not only by referring to him for, and deciding according to the opinion of the said Government Candidate, upon various points of difference, which arose at the said Election, but also by observing a distinction between the two Candidates, in calling upon the supporters of Mr. Murney, (the Candidate opposing the Honourable Robert Baldwin) by the designation of supporters of Mr. Murney, to make way, on the Thursday of the week of the Election, for the adherents of the Honourable Robert Baldwin. We beg leave further to state, for the information of His Excellency the Governor General, that the Returning Officer at such Election, S. W. Dunbar Moodie, Esquire, Sheriff of the District of Victoria, might have proceeded with the said Election, after the arrival of the Troops from Kingston, without interruption by either party and moreover, that it was, because he the said Returning Officer, Sheriff as aforesaid, believed that Mr. Murney would, if all the votes in the County had been polled, have had a majority, and been entitled to a return as Member for the said County of Hastings, that therefore he the said J. W. Dunbar Moodie, Esquire, Returning Officer at such Election, and Sheriff of the said District of Victoria, as a private friend and political partizan of the said Honourable Robert Baldwin, raised every obstacle to such an event, which he by virtue of his office had the opportunity of creating.

We have the honour to be, Sir, &c.

William Robertson,
C. O. Benson,

J. M. Higginson Esquire,
Civil Secretary.

A true Copy.

D. Daly,
Secretary.

(Copy.)

Secretary's Office,
Kingston, 12th Octr. 1843.

SIR,

The Private Secretary having handed to this Office a letter dated the 4th instant, signed by Mr. Benson and yourself on the subject of the proceedings of the Returning Officer, at the late Election for the County of Hastings, I have laid it before the Governor General for His Excellency's

information.

I have &c.

(Signed)

D. Daly,

William Robertson, Esquire,
Kingston.

A true copy.

D. Daly,
Secretary.

(120)

(Copy)

Secretary's Office,
Kingston, 14th October 1843.

SIR,

I have the honour, by command of the Governor General, to acquaint you, that a new election being about to take place for the County of Hastings, His Excellency has not deemed it expedient again to direct your being Returning Officer, as an intention has been expressed in the House of Assembly to institute an inquiry into your proceedings at the last Election, which renders it unadvisable that you should be employed as Returning Officer on the present occasion.

His Excellency has thought it due to you, to direct me to convey to you this explanation, and to assure you, that He does not entertain any opinion to your prejudice, and will rejoice to find that any enquiry instituted may terminate in establishing the correctness of your conduct.

I have &c.

D. Daly,
Secretary.

J. W. Dunbar Moodie, Esquire,
&c. &c. &c.

A true Copy.

D. Daly,
Secretary.

(Copy)

Sheriff's Office,
Belleville, 17th October, 1843.

SIR,

I have the honour to acknowledge the receipt of your letter of the 14th instant, conveying an explanation of the motive which influenced His Excellency, the Governor General, in appointing another person as Returning Officer, at the approaching Election for this County. May I request that you will convey to His Excellency, my sincere acknowledgements for the kind consideration he has shown for my feelings on this occasion, and that you will assure Him, that no less on public than on personal grounds, do I rejoice that such an inquiry into my proceedings at the last Election may take place, as the public will thereby be put in possession of the whole facts of the case, which I feel persuaded, must lead to the most beneficial results to the country at large.

I have &c.

J. W. Dunbar Moodie,
Sheriff, District of Victoria.

The Honourable Dominick Daly,
Secretary C. W. Kingston.

A true Copy,

Ordered, That the said Report be taken into consideration, on Tuesday the twenty-first instant.

Montreal Water
Works.

Mr. Holmes from the Special Committee, to which was referred the Bill to authorize the Mayor, Aldermen, and Citizens of Montreal, to purchase, acquire and hold, the property now known as the Montreal Water-works, and another Reference, reported, that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill be referred to a Committee of the whole House to-morrow.

Report from Standing
Committee on Private
Bills.

Mr. Hale from the Standing Committee on Private Bills, presented to the House the Ninth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have had under consideration the Petition of H. St. Germain and J.G. Laviolette, praying that the privilege of collecting

Tolls on a bridge over the River Jesus may be continued to him; and the Petition of Benjamin Esty and others, praying that the same may not be granted. They have used every means in their power to ascertain whether the first named Petitioners have given due notice of their application but have yet received no proof of their having fully complied with the Rule of Your Honourable House in relation to such notice. They are therefore unable to take any further action in the matter."

Protestant College
Quebec.

Mr. Hale from the Select Committee to which was referred the Bill to incorporate the Diocesan College of the Protestant Episcopal Diocese of Quebec, reported that the Committee had gone through the Bill and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill be referred to a Committee of the whole House, on Wednesday next.

Administration of
Justice Lower
Canada.

The Honourable Mr. Attorney General Lafontaine, from the Special Committee to which was recommitted the Bill to amend the Law relative to the Administration of Justice in Lower Canada, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill be referred to a Committee of the whole House this day, and that it be then the first Order of the day.

Marriage Licenses.

Ordered, That the Special Committee to which was referred the Statement laid, in compliance with an Address of this House of the 10th October, 1842, before this House on the sixteenth of October last, by command of His Excellency, the Governor General, showing the Disbursements of the receipts arising from the sale of Marriage Licenses, from the 10th February, 1841, to the 31st December, 1842, have leave to report from time to time.

Bill for preservation of certain
wild animals in
Lower Canada.

Ordered, That the Honourable Mr. Jones have leave to bring in a Bill for the preservation of certain species of wild animals, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Leave of absence
to Mr. Gilchrist.

Ordered, That Mr. Gilchrist have leave to absent himself from this House, for one week from this day, on urgent business.

La Congregation
de Notre Dame de
Quebec.

Ordered, That the Honourable Mr. Solicitor General Aylwin have leave to bring in a Bill to Incorporate the Association called "La Con-

gregation de Notre Dame de Quebec."

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Education Society
Quebec.

Ordered, That Mr. Chabot have leave to bring in
a Bill to Incorporate the Education Society of
the District of Quebec.

(121)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Friday next.

MR. BERTHELOT wished to have the bill printed, as he had been one of the Committee on the bill, but never received any notice to attend its sitting. He therefore thought it necessary to look sharply after the bill.¹

The Speaker ((MR. CUVILLIER)) explained that all bills were printed previous to a second reading.²

(121)

British Fisheries
Gulf of St.
Lawrence.

Mr. Parke from the Committee of the whole House on the Bill to Incorporate certain persons therein named with others, providing funds towards carrying on the British Fisheries in the Gulf of St. Lawrence and District of Gaspé, and Mining in the said District, under the style of "The Gaspé Fishery, Commercial, and Mining Company," reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill as amended, be engrossed.

MR. MORIN³ moved the second reading of the bill to repeal the Common School Act, and provide for the support of Common Schools.⁴

Indemnity to
Common Schools.

(121)

A Bill to repeal the Act now in force for the establishment and maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of said moneys for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, was, according to order, read a second time.

((MR. MORIN said:)) The object of the bill was first to repeal the present act, which, though good in its principle, was imperfect, and had been only partially carried out, and secondly to appropriate £50,000 per

annum for the support of Common Schools, to be expended as might be provided by the Legislature. From the imperfect manner in which the present act had been obeyed, the School money for the past year and the present, had not been expended strictly in accordance with its spirit as could be done. Where Schools had been kept and the people had contributed to their support, an equal amount had been granted, which in many cases amounted to from £17 to £20 per annum. It was probable that many meritorious Schools have been omitted, from no fault of the Government, but because no report had been received. The balance remaining of the School money could be appropriated to building School houses. The new system of education would be separated from the Municipal Councils, and be so arranged that if the people failed in performing their part the Government could supply the deficiency and maintain the system in full operation.⁵

DR. DUNLOP wished the bill referred to a special committee.⁶

MR. NEILSON regretted that the House had passed a law that could not be executed, for it had given occasion for the Government appropriating the School money without authority of Parliament, for which they now ask a bill of Indemnity. If this dangerous principle be admitted, the application of money according to law will become a farce. He was willing to admit that the money had been honestly applied with a good intention, but it was a bad precedent.⁷

MR. BOULTON concurred in these observations; and considered the new principle of Responsible Government introduced into our practice an additional reason why money should not be appropriated without authority of parliament.⁸

MR. BERTHELOT would support the bill, notwithstanding the just observations of the hon. member for Quebec. When the bill came to be discussed he would direct attention to the mode of education.⁹

MR. BALDWIN concurred in what had fallen from the hon. members for Niagara and Quebec. The administration feel as great a disinclination to appropriate money without authority of Parliament as any hon. members can do; but in this case they were in an embarrassing position. The grant of £50,000 for common schools had raised public expectation, and yet the law was only partially obeyed. But if Government had declined paying the money at all they would have been censured; while the delay in calling Parliament together hindered them from obtaining the sense of the House on the subject. They had taken upon them the responsibility of paying this money, although the law was not strictly fulfilled, and it was sometimes necessary to take such a responsibility. These are extreme cases, but they will now and then occur. They had no desire to make this into a precedent.¹⁰

MR. HALE defended the appropriation. We had passed a law which called on the people to support education. They had done what they could, but not all the law required, and the Executive had supplied the defects. It will form a precedent for such a case, but for nothing else.¹¹

MR. CHILD said it was sometimes necessary to choose between two evils and this was the case in this instance. The people's expectations were raised by the grant of so large a sum of money, and had they been entirely disappointed, the matter would have been worse.¹²

MR. WILLIAMS said if the Government had not acted as they did, they would have deserved censure.¹³

(121)

Ordered, That the said Bill be referred to a Committee of the whole House, to-morrow, and that it be then the first order of the day.

Banks liability. *The Order of the Day for the second reading of the Bill to relieve the Shareholders of the several Banks therein mentioned from liability beyond the amount of the shares subscribed, and for that purpose to amend the several Acts creating such liabilities, being read,*¹⁴

MR. BLACK opposed the bill He said the bill altered the constitution of 7 private corporate institutions. They are not public institutions but private, to which privileges have been granted, and it is wisely ordered that the holders shall be liable for double the amount of their stock. And, now, without any permission from them, or any petitions from private persons, it is proposed to alter this, thereby lessening the security to the public. All parliamentary practice is violated in the introduction of this bill. It repeals part of seven acts, and no bill repealing others can be introduced except on first going into committee. Besides, it touches these corporate bodies without their permission. It is said that this is done for their benefit; but they are the judges of what is for their benefit; and there is no application from them.¹⁵ They had petitioned neither for a repeal of their charters, nor for a modification of them.¹⁶ The interest of the Banks is best consulted by giving the public perfect security and if you lower the security you may shake their credit with the public. We had no right to modify or repeal those acts without their permission and if you do, the public will have no security in any charter or franchise whatever, for the same rule applies to Colleges and other corporate bodies, as well as to Banks. If an act of this kind were passed in the United States, their Courts of Law, would declare that you had no right to pass such an act.¹⁷ It might suit these banks, that had not all their capital paid up, but it was an injustice to those that had. The issues of the banks were very great, amounting to two millions and upwards; the protection on the part of the public ought therefore to be proportionate.¹⁸ The public have

a right to expect this security, and we must look to the public interests. We ought not to impair the obligation of contracts, and issues of notes to a large amount have been made by the Banks and taken by the public under this double security, and on what principle of justice will you lessen this security and break the contract between the Banks and the public.¹⁹ He hoped that the House would never consent to allow it to go into operation.²⁰

MR. DURAND concurred in these observations. It would be fraud to repeal the double security clause, and it would cause the public to doubt the solvency of the Banks.²¹

MR. HINCKS repeated the statement he had formerly made on this subject. The double security clause was not inserted by the desire of the Legislature, but because instructions were sent out from the Colonial Secretary to the Governor directing him not to assent to any bank bill that did not contain this clause. He supported the clause then, because the Banks could not obtain their charters without it, but it was against the wishes of the legislature, and a pledge was given that the Executive would endeavour to have those instructions withdrawn. This was done, and this bill is the result. He was not much in favour of the principle, but would rather have Banks established on the principle of the English Joint Stock Banks, (hear, hear) in which every shareholder is liable to the full amount of his property; but he was satisfied such Banks could not be established here with success.²² After the House had, a few evenings ago, granted the privilege now sought for by the Banks to a commercial company, (the Gaspé Fisheries and Mining Company) he (Mr. Hincks) was much surprised to hear it argued that it was impolicy to grant the same privilege to Banking Institutions.²³ As to the objection taken from parliamentary practice, there were many precedents in favour of the course pursued with this bill.²⁴ With this view of the subject, he would therefore move, that the House do go into Committee on the Bill on Friday next.²⁵

(121)

The Honourable Mr. Black moved ((in amendment,)) seconded by Mr. Child, that the said Order of the Day be discharged, and that the said Bill be read a second time this day six months.

DR. DUNLOP objected to the bill. Every man who issued paper money should be liable to all his property.²⁶

MR. CHILD also opposed the bill, and referred to the United States to show that if there had been such a clause in their bank charters, there would not have been so much misery caused by the failure of their banks.²⁷

MR. HOLMES supported the motion - He entirely disapproved of repealing the double security clause.²⁸ The directors of the Montreal Bank were in favor of its repeal, but left him at liberty to vote as he pleased

on it.²⁹ It was for the want of this salutary check that the extensive failures in the United States had ensued, and the consequent misery attending them. "La Banque du Peuple," an establishment that would shortly go into operation, offered the full amount of their property as a security for their engagements, and why was this principle to be restricted to that institution only? He (Mr. Holmes) concurred in the opinions that had been expressed by the Member for the City of Quebec, and he considered that the security now given by the Banks, was the best that could be afforded.³⁰

MR. BOULTON was decidedly opposed to shackling the Banks in any unnecessary manner.³¹ ((He)) thought the Montreal Bank directors knew what was advantageous to the bank and what was for their benefit was also for the public good; for if banks be fettered by inconvenient restrictions, the public suffer. The Hous (sic) is passing a bill granting corporate powers to a Commercial Company (the Gaspé Fishing and Mining Company) and there is no comparison between the security offered by a Commercial Company, and that offered by a bank. For the issues of the latter, the public have treble security - in the specie on hand, which is much larger in amount now than it used to be in the notes discounted, and which are endorsed by two or three endorsers, and in the capital stock; so that it is hardly possible for the public to lose by a bank. And after the Provincial Government, in obedience to the expressed opinion of this House has succeeded in inducing the Home Government to withdraw the instructions requiring this double security clause, would it not be childish for the House to turn round now and say, we don't want the clause repealed? The clause gives very little if any additional security for ((a)) great part of our Bank Stock is held out of the country.³² Under the present law the Stockholders in Great Britain could not be sued,³³ and ... could not be compelled to pay. And there is no necessity for holding stock in their own names, so that none could be sued except a few living here who had paid no attention to the state of the Bank. There must be some reason why the repeal of this clause is opposed, and that probably is this - that the large banks have got their additional stock subscribed, and therefore feel no inconvenience from the clause; but it is not so with the additional stock of the Commercial Bank, the Bank of Upper Canada, and the Gore Bank, and persons in England will not subscribe until this clause be repealed.³⁴

MR. JOHNSTON opposed the repeal of the clause.³⁵

MR. HARRISON said this double security clause is no better than as if it did not exist, while it yet prevents capitalists from subscribing, and thus keeps capital out of the country. It is in consequence of a pledge given by Government, that this bill is bro't in. Hon. members remember the pressure in this House last Session, because we could not pass charters without this clause, and as it was felt that this double security was no security, the pledge was given; the Provincial Government entered into correspondence with the Home Government on the subject,

through which the instructions were withdrawn, and the bill is the result.³⁶

MR. BALDWIN said, that with regard to interfering with the chartered rights of the Banks, this Bill was in accordance with their wishes, and was what they were given to expect when their charters were granted.³⁷ ((He)) would hesitate before repealing the clause if satisfied that it was good; but further consideration, since his vote on this question in 1841, had convinced him that the clause is of little real value. There is such a facility for transferring stock, when banks get into difficulty, that the clause is a delusion on the public. And it prevents capital from coming into the country, and thus prevents the establishment of a really strong bank; so that while contending for the shadow we lose the substance. For these reasons he should vote differently now from what he did formerly; when this question was discussed.³⁸

DR. DUNLOP would have every man liable to the full amount of his property. We are told a man may transfer his shares in a bank. And so he may in any other business, and it is done every day. He may sell his goods or mortgage his farm, and cheat his creditors; but that is no reason why he should not be liable for the full amount. He objected to the clause because it did not give half enough; for every stockholder in a bank should be liable to pay all he is worth, as you, or I, or any other man, must pay every shilling, or lose every acre to satisfy our just debts.³⁹

MR. DUNN did not think this clause gave any additional security, but it kept capital out of the country. He was a stockholder in Banks, and if they were in difficulty he could easily transfer his stock, and thus escape all liability. Stockholders living in England have not this facility, but those living here can easily evade the clause, and the others are not subject to the jurisdiction of your courts; so that in point of fact the clause binds no one.⁴⁰

MR. CARTWRIGHT asked, whether any one was prepared to say, that many had not become stockholders expressly upon the faith of the Government using their influence to repeal this clause? He denied that while the enactments were in force, it could have in any way the effect that was so confidently said; for how were foreigners or minors to be reached? Again, the shares of a stockholder might comprise all that he was worth; what further security, then, could be obtained from him? The security therefore given by this clause was merely apparent and had no reality in it.⁴¹

MR. JONES was against the Bill. If we repeal this clause the public will loose (sic) confidence in the Banks. It ((w))as a manifest violation of the people's rights. The charters are contracts.⁴²

MR. NEILSON had no understanding, when these charters were passed, that this clause was to be repealed, or he would have voted against them.

We are indebted to the Home Government for that clause, as also for many other things in which they have shown more care for the people's interests than their representatives had done. The numerous bank failures in the United States, and the misery they had occasioned, sounded over the whole world, caused the British Government to issue instructions to guard the people of this country against such a calamity. They thus showed a paternal care over the people, for which we are highly indebted to them. Let the people's appointed guardians imitate their conduct. It was strange that all those who said this clause gave no security, should be so anxious to get rid of it.⁴³

(121)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BERTHELOT, BLACK, CHABOT, CHESLEY, CHILD, COOK, DUGGAN, DUNLOP, DURAND, FORBES, HOLMES, HOPKINS, JOHNSTON, JONES, JUDAH, LESLIE, MCLEAN, MOORE, NEILSON, POWELL, HARMANNUS SMITH, STEWART, and WOODS.--
(23.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BOULTON, BOUTILLIER, CAMERON, CARTWRIGHT, CHRISTIE, CRANE, DALY, DE WITT, DUNN, HALE, HARRISON, HINCKS, JOBIN, KILLALY, LAFONTAINE, SIR ALLAN N. MACNAB, MORIN, MORRIS, PARKE, SMALL, HENRY SMITH, STEELE, THOMPSON, D. B. VIGER, L. M. VIGER, WAKEFIELD, WATTS, and WILLIAMS.--(32.)

So it passed in the Negative.

The said Bill was then, according to Order, read a second time.

Ordered, That the said Bill be referred to a Committee of the whole House, on Friday next.

Jurors and Juries. *Ordered, That the Order of the Day for the House in Committee on the Bill for the consolidation and amendment of the Laws relative to Jurors, Juries, and Inquests, in that part of this Province called Upper Canada, be postponed until Monday next.*

Les Dames du
Sacre Coeur de
Jésus.

A Bill to Incorporate Les Dames Religieuses du Sacre Coeur de Jésus of the Parish of St. Jacques de L'Achigan, in the District of Montreal, for the purposes of Education, was, according to order,

read a second time.

Resolved, That the said Bill be referred to a Select Committee composed of Mr. Quesnel, Mr. L. M. Viger, the Honourable Mr. Neilson, Mr. Leslie, and Mr. Boutillier, to report thereon with

all convenient speed, with power to send for persons, papers, and records.

Administration
of Justice Lower
Canada.

The Order of the Day, for the House in Committee on the Bill to amend the law relative to the administration of Justice in Lower Canada, being read,

The House accordingly resolved itself into the said Committee.
Mr. Leslie took the Chair of the Committee;⁴⁴

A long discussion arose out of an amendment by Mr. D. B. Viger, disqualifying the Judge who tries a cause from sitting as one of the Judges of the Court of Appeals upon an appeal against his own decision. There was a good deal of noise when the division took place on the amendment, - as far therefore as the numbers could be correctly given, the Yeas were 25, Nays 23.⁴⁵

(121)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Towns &c.
Incorporation.

The Order of the Day for the House in Committee on the Bill to provide for the Incorporation of Townships, Towns, Counties, and Cities, in

Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee; and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, to-morrow.

Management of
Customs.

The Order of the Day, for the House in Committee on the Bill to provide for the management of the Customs, and of matters relative to the collection

of the Provincial Revenue, being read,

Ordered, That the said Order of the Day be postponed, until to-morrow.

Then, on motion of Mr. Duggan, seconded by Mr. Dunlop,
The House adjourned.

APPENDIX, 13 NOVEMBER 1843.

((QUESTION AND ANSWER RE: TAXATION ON LAND GRANTS))

MR. DURAND inquired of the Ministers whether the Canada Company had taken out deeds for their lands, so that they could be liable to taxation, and put the same inquiry to private persons.⁴⁶

MR. MORIN replied that the Canada Company had not, though it was the last year of their agreement, for there was some difference between them and the Government as to an allowance for a large swamp, and in respect to a road; but these matters would be adjusted as soon as possible. There were also 63,000 acres which they had the option of taking or not. In respect to private persons they often declined taking out deeds in order to escape paying the fees, and there were no means to compel them.⁴⁷

FOOTNOTES - 13 NOVEMBER 1843.

1. KINGSTON CHRONICLE, 18 November 1843.
2. IBID.
3. The debate on this matter was reported in: KINGSTON CHRONICLE, 18 November 1843; and LE CANADIEN, 22 November 1843.
4. KINGSTON CHRONICLE, 18 November 1843.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. The debate on this matter was reported in: KINGSTON CHRONICLE, 18 November 1843; LE CANADIEN, 22 November 1843; and MONTREAL GAZETTE, 18 November 1843, in an account identical to BRITISH COLONIST, 17 November 1843, except that the version in the BRITISH COLONIST is somewhat shorter. Dunlop's speech is the same in KINGSTON CHRONICLE, LE CANADIEN, MONTREAL GAZETTE, and BRITISH COLONIST.
15. KINGSTON CHRONICLE, 18 November 1843.
16. MONTREAL GAZETTE, 18 November 1843.
17. KINGSTON CHRONICLE, 18 November 1843.
18. MONTREAL GAZETTE, 18 November 1843.
19. KINGSTON CHRONICLE, 18 November 1843.
20. MONTREAL GAZETTE, 18 November 1843.
21. KINGSTON CHRONICLE, 18 November 1843.
22. IBID.
23. MONTREAL GAZETTE, 18 November 1843.
24. KINGSTON CHRONICLE, 18 November 1843.
25. MONTREAL GAZETTE, 18 November 1843.
26. KINGSTON CHRONICLE, 18 November 1843.
27. IBID.
28. MONTREAL GAZETTE, 18 November 1843.
29. KINGSTON CHRONICLE, 18 November 1843.
30. MONTREAL GAZETTE, 18 November 1843.
31. IBID.
32. KINGSTON CHRONICLE, 18 November 1843.
33. MONTREAL GAZETTE, 18 November 1843.
34. KINGSTON CHRONICLE, 18 November 1843.
35. IBID.
36. IBID.
37. MONTREAL GAZETTE, 18 November 1843.
38. KINGSTON CHRONICLE, 18 November 1843.
39. MONTREAL GAZETTE, 18 November 1843.
40. IBID.
41. IBID.
42. IBID.

43. IBID.

44. The following was reported in: MONTREAL GAZETTE, 18 November 1843, in an account identical to that in BRITISH COLONIST, 17 November 1843; and LA MINERVE, 18 November 1843.

45. MONTREAL GAZETTE, 18 November 1843.

TUESDAY, 14 NOVEMBER 1843.

(121)

5 Petitions brought up.

THE following Petitions were severally brought up, and laid on the Table:--

By the Honourable Mr. Boulton--The Petition of William Stewart and others, Debtors confined in the close custody of the Sheriff of the Home District.

By Mr. Foster--The Petition of H. Robinson, and others, Inhabitants of the County of Shefford, (relating to a road.)

By Mr. Cameron--The Petition of R. Young and others, Inhabitants of Goderich, in the District of Huron.

By Mr. Parke--The Petition of Henry Hamilton and others, School Commissioners and Teachers, of the Townships of Yarmouth and Southwold, in the District of London; and the Petition of John Burwell, of Port Burwell.

Petition of the Hon'ble James Crooks.

Mr. Dunlop moved, seconded by the Honourable Mr. Sherwood, That the Petition of the Honourable James Crooks, Esquire, of the District of Gore presented to the House on the twenty-sixth of

(122)

October last, be referred to a Select Committee composed of Mr. Dunlop, Mr. Christie, Mr. Merritt, Mr. Leslie, and Mr. De Witt, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.¹

MR. BALDWIN opposed the motion. The matter had been taken up by the United States, who ordered the prize agent to refund, but without any effect, as he failed in business without making restitution. A Bill had then been introduced, which passed the House of Representatives, but was lost by a small majority in the Senate. He (Mr. Baldwin) looked upon it as an international affair, and one with which the Colonial Government had nothing to do.²

(122)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

Messieurs CARTWRIGHT, CHRISTIE, DUNLOP, DURAND, HALE, HAMILTON, HOLMES, JOHNSTON, SIR ALLAN N. MACNAB, MOORE, MURNEY, HARMANNUS SMITH, GEORGE SHERWOOD, THOMPSON, and WATTS.--(15.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK,

BOULTON, BOUTILLIER, CAMERON, CHABOT, CHILD, COOK, DE WITT, DUNN, FOSTER, JONES, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, MORIN, NEILSON, PAPINEAU, PARKE, POWELL, QUESNEL, STEELE, TACHE, TURCOTTE, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(32.)

So it passed in the Negative.

Report on Petition
of the Right Rev.
the Bishop of
Montreal.

Mr. Hale, from the Special Committee to which was referred the Petition of the Right Reverend the Lord Bishop of Montreal, and others, Inhabitants of Lower Canada, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have examined the Petition referred to them, and find that the objects for which the Petitioners are associated together, are for the support of Missionaries of the United Church of England and Ireland--to provide stipends for poor Clergymen or their Widows and Orphans; for the encouragement of Education; for the circulation of the Scriptures, and other laudable purposes; they therefore recommend to Your Honourable House to permit the introduction of a Bill to incorporate the said Society in connection with the United Church of England and Ireland, under the style and title of "The Church Society of the Diocese of Quebec."

Church Society
Bill, Quebec.

Ordered, That Mr. Hale have leave to bring in a Bill to incorporate The Church Society of the Diocese of Quebec.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Bill for preservation
of Fish in
Stanstead, &c.

Mr. Child, from the Special Committee to which was referred the Bill, for the better preservation of certain species of Fish in the Rivers and Waters of the Counties of Stanstead, Sherbrooke, Missisquoi,

and Shefford, reported that the Committee had gone through the Bill, and made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill be referred to a Committee of the whole House, to-morrow.

On motion of Mr. Cameron, seconded by Mr. Child,

Tay Navigation Act.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of amending the Tay Navigation Act.

Hawkesbury
division Bill.

Ordered, That Mr. D. McDonald have leave to bring in a Bill, to divide the Township of Hawkesbury, in the Ottawa District, into two Townships.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday, the twenty-second Instant.

Counties Division
of Upper Canada.

Ordered, That the Honourable Mr. Attorney General Baldwin have leave to bring in a Bill for the better division of that part of this

Province called Upper Canada, into Counties; for abolishing the territorial division thereof into Districts, and providing for the temporary union of Counties for judicial and other purposes, and the future dissolution of such unions as the increase of the population may require.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

MR. WAKEFIELD³ moved for copies of the Imperial Acts, relating to the North American Colonial Association of Ireland, to be printed for the use of Members. The Hon. Member said these Acts were of great importance, and could not be obtained in a printed form without sending home to England for them.⁴

MR. LAFONTAINE asked whether they conferred any power in the Colony?⁵

MR. WAKEFIELD. - Yes.⁶

MR. LAFONTAINE. - Then, I will merely remark, that I am not disposed to recognize the right of Great Britain, to legislate in the affairs of this colony.⁷

MR. NEILSON. - I hope we are not yet arrived at such a state of things, that the Mother Country shall be excluded from taking an interest in what concerns us.⁸

MR. AYLWIN. - I hope we are not come to that yet.⁹

MR. LAFONTAINE. - I mean with reference to local matters only.¹⁰

(122)

North American
Colonial Association of Ireland.

Ordered, That the Imperial Acts, entitled "An Act for incorporating and granting certain powers to the North American Colonial Association of Ireland," and "An Act to amend an

Act for incorporating and granting certain powers to the North American Colonial Association of Ireland, and for explaining, altering, and enlarging, the Provisions thereof," be printed for the use of the Members of this House.

Encouragement
of Agriculture.

Ordered, That Mr. Watts and Mr. Child, be added to the Select Committee appointed to consider the best mode of granting Legislative aid for the encouragement of Agriculture in this Province.¹¹

Notaries Public
Evidence.

Ordered, That Mr. George Sherwood have leave to bring in a Bill, to facilitate the proof of the Laws of Upper and Lower Canada, and to declare Protest of Notaries Public Evidence in certain cases in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Court of Appeals,
Lower Canada.

Ordered, That the Bill for the establishment of a better Court of Appeals in Lower Canada, be read a second time, on Thursday next.

Small Causes,
Lower Canada.

Ordered, That the Bill to provide for the summary trial of small causes in Lower Canada, be read a second time, on Thursday next.

Administration
of Justice, Gaspé.

Ordered, That the Bill to establish the District of Gaspé and to provide for the due Administration of Justice therein, be read a second time,

on Thursday next.

Administration
of Justice, Lower
Canada.

Mr. Leslie, from the Committee of the whole House on the Bill, to amend the Laws relative to the Administration of Justice in Lower Canada, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended be engrossed.

Towns &c. In-
corporation.

On motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Attorney General Lafontaine.

Ordered, That the Order of the day for the House in Committee, on the Bill to provide for the Incorporation of Townships, Towns, Counties and Cities in Upper Canada, be now read.

The Order of the day for the House in Committee on the Bill to provide for the Incorporation of Townships, Towns, Counties and Cities,

(123)

in Upper Canada, being read.

The House accordingly, resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee, and after some time

spent therein:--

Mr. Speaker resumed the Chair,

And Mr. Johnston reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Thursday next.

Message from Legislative Council.

A message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

Expense of new Commissions.

The Legislative Council have passed the Bill, intituled, "An Act to exempt Public Officers from the expense of new Commissions on the demise of the Crown," without any amendment.

And also:--

The Legislative Council have passed the following Bills, with several Amendments, to which they desire the concurrence of the Assembly.

Courts Quarter Sessions.

"An Act to fix the period for holding the Courts of General Quarter Sessions of the Peace, in that part of the Province formerly Upper Canada."

Kingston Marine Railway.

"An Act to alter and amend the Act of incorporation of the Kingston Marine Railway Company,"
And then he withdrew.

Bastard Sugar.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency the Governor General:

Return to an Address from the House of Assembly to His Excellency, the Governor General, dated 6th November, 1843, praying for "any Despatches or communications that have been received from, or transmitted to, the Colonial Minister on the subject of Duties levied on Bastard Sugar."

Rawson W. Rawson,
Chief Secretary.

Chief Secretary's Office,
Kingston, 14th November, 1843.

(Copy.) No. 173.

Downing Street,
18th June, 1842.

SIR,

(Colonial office,
17th June.)
(Treasury, 18th
June.)

I forward for your information and guidance, copies of a correspondence relative to the Duty levied on Bastard Sugar, in Canada, respecting which a complaint has been addressed to me by Lord Sandon, and Sir Howard Douglas.

I have &c.,

(Signed) Stanley.

The Right Honourable
Sir Charles Bagot, G.C.B.
&c. &c. &c.

(Copy)

Downing Street,
17th June, 1842.

SIR,

(16th June.)

I am directed by Lord Stanley, to transmit to you the copy of a note which his Lordship has received from both the Members of Parliament, for the Borough of Liverpool, complaining of the Duty levied by the Provincial Legislature, on Bastard Sugar imported into Canada, and requesting that instructions may be sent by the mail of the 18th instant, to the Governor, to replace that article upon the footing which it has heretofore held with reference to refined Sugar. I also inclose a copy of the Colonial Act, by virtue of which the higher rate of Duty is levied. In laying this letter before the Lords Commissioners of the Treasury, for their consideration, I am requested that you would move their Lordships to inform Lord Stanley, whether, under that Act, Bastard Sugars are properly liable to the high rate of Duty. If such is not the proper construction of the Act, Lord Stanley proposes, with their Lordships' concurrence, to instruct Sir Charles Bagot, immediately to adopt such means as may be necessary to prevent the exaction of the high rate of duty.

I am further to add, that as this is a Duty imposed by a Provincial Statute, his Lordship apprehends, that the proceedings under it are not subject to the control of the Commissioners of Customs in this Country.

I have &c.,

(Signed) James Stephen.

C.E. Trevelyan, Esquire.

(Copy)

Lord Sandon and Sir Howard Douglas, present their compliments to Lord Stanley, and beg to represent to his Lordship, that they have just received from one of their Constituents, Sir Thomas Brancker, an intimation, that the Collectors of the Customs at Quebec, and Montreal, have demanded upon Bastard Sugar of fine quality, the colonial duty of 2d. per pound, being the same Duty as that which is levied upon refined Sugar imported into Canada; whereas, heretofore, Bastard Sugar has always been considered as raw Sugar, and has paid one half only of the Duty levied upon refined Sugar.

Lord Sandon and Sir Howard have to state, that during the last year, the prices of Sugar in Canada, including Duty and charges, were for Refined Sugar from 6½d. to 7d., currency, the pound; for fine Bastard, 4½d., and for coarse Bastard, about 3½d.; the Duty being then one penny the pound upon Refined Sugar, and one halfpenny the pound upon Bastard Sugar, which is perhaps sufficient to shew how exorbitant the duty of two pence the pound would be upon the latter, and how entirely the trade in that description of Sugar would be thereby annihilated. Inasmuch as Foreign Sugars of fine quality, paying only the raw Sugar Duty, would at once displace an article of British Manufacture.

Lord Sandon and Sir Howard have finally to request that Lord Stanley will be pleased to give such instructions to the Governor of Canada, by the Packet of the 19th instant, from Liverpool, as may have the effect of replacing Bastard Sugar upon the footing which it has heretofore held, with reference to Refined Sugar; as until that step shall have been taken, the trade in Bastard Sugar will continue to be completely stagnated.

20 Fludger Street,
16th June, 1842.

(Copy)

Treasury Chambers,
18th June, 1842.

SIR,

In reply to your letter of the 17th instant, on the subject of the rate of Duty levied under the Act of the Canadian Legislature, 4 & 5 Vic. Cap. 14, on Bastard Sugar, imported into that Colony from this country,

(124)

I am directed by the Lords Commissioners of Her Majesty's Treasury, to request you will state to Lord Stanley, that in the absence of information as to any proceedings, that may have taken place in Canada, respecting the alleged alteration in the assessment of the Duty on that article, and adverting to the variations between the terms used in the previous Act of the Legislature of Lower Canada, and in the Act above mentioned, in regard to the descriptions of Sugar liable to different rates of Duty, their Lordships are not prepared to decide that Bastard Sugars may not in strictness be subject to the rate of Duty imposed by the recent Act on Refined Sugar.

But you will observe to Lord Stanley, that the Lords Commissioners would see no objection to the Governor General, being instructed to take the necessary steps for the reduction of the Duty on Bastard Sugars to an amount equivalent to that on unrefined Sugar, which would be consonant with the practice in this country in regard to the drawback on the exportation of that article.

I am &c.,

(Signed,) C.E. Trevelyan.

James Stephen, Esquire,
 &c. &c. &c.

(Copy.) No. 160.

Quebec, 24th July, 1842.

MY LORD,

(20th July.)

With reference to the representation from Lord Sandon and Sir H. Douglas, respecting the Duty charged in this Province, on Bastard Sugar, which accompanied your Lordships despatch to me of the 18th ultimo, No. 173, I have the honour to inclose herewith, for your information, the copy of a letter addressed to me by the Inspector General of Public Accounts, to whom I had transmitted the correspondence.

I have, &c.

Charles Bagot.

The Lord Stanley,
 &c. &c. &c.

(Copy.)

Inspector General's Office,
Kingston, 20th July, 1842.

SIR,

I have the honour to acknowledge the receipt of your letter of the 11th instant, informing me that His Excellency, the Governor General, had commanded you to transmit, for my information and guidance, the copy of a Despatch from the Secretary of State, accompanied by a correspondence between the Colonial Office and the Treasury, relative to the Duty levied in this Province on Bastard Sugar. I have given my best attention to that correspondence, and I fully admit the force of the representations made by Lord Sandon and Sir Howard Douglas, to Lord Stanley, as to the injury which the Trade must sustain by the exaction of the Duty of two pence per pound on partially refined Sugar. I should infer from the correspondence, that the Lords Commissioners of Her Majesty's Treasury do not think that the Provincial Act, 4th & 5th Vic. chap. 14, is very clear on the subject; and the Minutes of the Executive Council of 22nd March, 1842, throws upon each Collector the onus of deciding whether each particular cask of Sugar has been improved in purity and value by a process of refinement; in which case it shall be subject to the full Duty on refined Sugar, which is certainly contrary to the intention of the Legislature. As the season has now far advanced, it would perhaps be inexpedient to make any change at present, even if His Excellency should, on consideration, feel himself justified in taking such a step; but I shall take an opportunity previous to the next Session of Parliament, to bring the subject under His Excellency's consideration, in the hope of obtaining his sanction to the introduction, by the Administration, of a Bill to amend the Custom' Duties Act of last Session, in that particular.

I have &c.

(Signed) F. Hincks,
Inspector-General.

T.W.C. Murdoch, Esquire,
Chief Secretary, &c. &c.

(Copy) No. 241

Downing Street,
4th September, 1842.

SIR,

(2nd Sept. 1842.)

With reference to your Despatch, No. 160, of the 24th July, I enclose, herewith, the copy of a letter from the Assistant Secretary of the Lords Commissioners of the Treasury, transmitting the copy of a Memorial which has been addressed to their Lordships by Messrs. Brancker & Company, and Messrs. Macfie & Sons, of Liverpool, praying that measures may be taken for ensuring the return of a portion of the Duty levied on certain Sugar imported by them into Canada.

I have to instruct you to bring this Memorial under the notice of the Provincial Legislature, when the question of a modification of the existing Duty on Sugar, is submitted for their consideration.

I have &c.

(Signed,)

Stanley.

The Right Honourable

Sir Charles Bagot, G.C.B.

&c. &c. &c.

(Copy.)

Treasury Chambers,
2nd September, 1842.

SIR,

I am commanded by the Lords Commissioners of Her Majesty's Treasury to transmit to you a copy of a Memorial which has been addressed to their Lordships by Messrs. Brancker & Co., and Messrs. Macfie & Sons, of Liverpool, praying that means be taken for ensuring to them the return of the amount of Duty levied on certain Sugars imported by them into Canada; and I am to request that you will submit the same to Lord Stanley, and suggest to his Lordship that a copy thereof should be forwarded to the Governor of Canada, in order that the attention of the Local Authorities and Legislature may be called to the prayer of it.

I am &c.

(Signed)

C. E. Trevelyan.

(125)

Bastard Sugar.To the Lords Commissioners of Her Majesty's
Treasury.

MAY IT PLEASE YOUR LORDSHIPS,

The undersigned Sugar Refiners at this Port, working under Bond, learn with great satisfaction, from an Extract of a Report of the Inspector General of Public Accounts in Canada, dated Kingston, 20th July 1842, that the recommendation of Your Lordships upon their former Memorial as to the justice of levying the full duty of 2d, per lb. payable on Refined Sugar, on those descriptions shipped by them to Canada, under the denomination of Bastard, has received due attention on the part of the Colonial Government, and that a remedial measure is likely to be brought forward in the forthcoming Session of their Parliament.

Your Memorialists, however, are informed by their Agents in Canada, that the high Duty is in the intermediate period being levied on the whole of the Sugars of the description alluded to, now in progress of importation, which were exported from hence, in full confidence of the relative proportion in the Duties remaining unchanged, and would therefore most respectfully express a hope that Your Lordships will be pleased to suggest to the Colonial Authorities the introduction of a Clause in the new Act ensuring to them the return of the amount of Duty as paid in excess.

Your Memorialists ground their prayer upon this plea, that it would appear that this excess of Duty is only levied under a misconstruction of the Law as it stands, and therefore it would be a case of real hardship to subject them to the eventual loss of the amount so levied in error, which error the Colonial Legislature is about taking steps to remedy as soon as pointed out.

And Your Memorialists, &c.

(Signed,)

Brancker & Co.
Macfie & Sons.

(Copy.) No. 67.

Government House,
Kingston, 2nd August, 1842.

MY LORD,

My attention has been called to your Lordship's Despatch of the 4th September last, No. 241, in which you instructed my Predecessor to bring before the Provincial Legislature a Memorial of certain parties, praying a Return of a portion of the Duty levied on Bastard Sugar imported into Canada.

The Memorialists ground their claim upon the plea, that the excess of Duty is levied under a misconstruction of the Law as it now stands. This, however, is denied here. The Law is said to impose a certain Duty on Refined Sugar, which, in the absence of any definition of the term "Refined," has been construed to mean all Sugar improved in purity and value by a process of refinement.

I propose to recommend to the Provincial Parliament to alter the Law, so as to remove the ground of complaint with respect to Bastard Sugar for the future; but I much fear that there will be no disposition in the Legislature to refund any part of the Duties exacted under the existing Law.

I would therefore request Your Lordship's attention to this view of the case, and request further Instructions as to bringing the Memorial in question before the Legislature; since it appears to me inexpedient to do so, unless there be a prospect of the desired relief.

I have, &c.

(Signed,)

C.T. Metcalfe.

(Copy.) No. 94.

Downing Street,
26th September, 1842.

SIR,

With reference to that part of your Despatch, No. 67, of the 2nd ultimo, requesting Instructions as to the propriety of applying to the Legislature of Canada, for the return of the Duty levied on Bastard Sugar, which the Importers allege to have been exacted under a misconstruction in the Province, of the Canadian Customs Law, I have to inform you that, as you appear to be satisfied that the allegation of the Importers is not well founded, I refer entirely to your own discretion the question, whether any application should be made to the Provincial Legislature for the re-payment of the Extra Duty.

I have, &c.

(Signed,)

Stanley.

The Right Honourable

C.T. Metcalfe, Bart. G.C.B.
&c. &c. &c.

And also,

Report on Educa-
tion, Canada West.

Annual Report of the Deputy Superintendent of
Education on Common Schools throughout Canada West.

(For the said Report see Appendix Z.)

Indemnity to Common
Schools.

The Order of the Day for the House in Committee on the Bill to repeal the Act now in force for the establishment and maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School monies for the year one thousand eight hundred and forty-two, further to provide for the apportionment and distribution of the balance of said monies for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, being read,

The House accordingly resolved itself into the said Committee.

Mr. Stewart took the Chair of the Committee,¹²

MR. JOHNSTON remarked, that to the best of his recollection, he had observed in the Public Acts, a charge under this head for monies that had been expended for travelling expenses, unauthorised by the Act.¹³

MR. BOULTON observed with reference to it, that he considered it a bad precedent, that when persons had a fixed salary, they should be allowed to incur expences of this kind, nearly equal to the amount of their salaries. He would therefore move as an amendment, a proviso, to prevent such an outlay in future without the sanction of Parliament.¹⁴

MR. HINCKS said, that the law authorized the travelling expenses of the Superintendent to be paid.¹⁵

MR. NEILSON observed, that the Act authorized the appointment of only one Superintendent, but two had been appointed. He wished to know, whether the amount granted for the salary of the Superintendent, had been exceeded.¹⁶

MR. HINCKS replied, no. There was in fact only one Superindendent (sic), but in order to carry the Act into operation, the duty had been performed by two individuals, between whom the salary had been divided.¹⁷

Some ... remarks ... ((were)) made as to the school monies not having been appropriated and paid according to law, and to the indemnity applied for in the present Bill, for such a proceeding on the part of the Government, -¹⁸

MR. MORIN observed, that there was no occasion for any proviso restraining the Government from expending money without the sanction of Parliament, as it was a principle duly recognized, that monies could not be so expended. With reference, however, to the apportionment of the school monies not having been strictly within the meaning of the Act, this had arisen out of circumstances over which the Government had no control. The Act had been carried into effect, as far as was consistent with its provisions and those of the Municipal Act, both of which had been found embarrassing in their operations.¹⁹

MR. BALDWIN, in accordance with the opinions of his colleague, (Mr. Morin,) also observed, that it was out of the exigency of the case only, that the Government had deemed it expedient to apply the money without the legal right. Under extraordinary circumstances, it was the duty of the Government to assume this responsibility. Should it, however, be assumed in such a way that there was no probability of its being sanctioned by Parliament, the Government would have to abide by the consequences. The present case, however, admitted of no such inference, and relying upon its urgency, the Government asked of the House to sanction what it had done.²⁰

MR. BERTHELOT said, that there was necessity for it, no doubt. The intention and the act were both good, and the Government ought to be supported.²¹

MR. BOULTON said, that to strengthen his position, he would instance the case of Lord Dalhousie. When the House had stopped the supplies, that nobleman had paid the public functionaries out of the revenue without the sanction of Parliament. Although it was under extraordinary circumstances that this had been done, still he (Mr. Boulton) was of opinion, that he ought to have obtained the sanction of Parliament before he authorized the expenditure. If a Government possessed strength, it could at any time, by its majority, obtain an indemnity for the outlay of the public money, however unjustifiable.²²

MR. NEILSON said, that this course had often been pursued by the Ministers in England. In the present instance, a great portion of the revenue had been expended without authority, the Parliament should, therefore, guard against this becoming a practice.²³

The amendment was, however, withdrawn²⁴.

(125)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Stewart reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Chartered Banks.

The Order of the Day for the House in Committee on the Bill to authorize the Chartered Banks of this Province to open Books in the United Kingdom for the transfer of their Stock, being read,
Resolved, That this House will, on Tuesday next, resolve itself into the said Committee.

Ottawa Land Tax.

The Order of the Day for the second reading of the Bill to explain an Act passed in that part of

this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled, "An Act to confirm and regulate certain Sales of Lands for Taxes in the District of Ottawa."

The said Bill was accordingly read and committed to a Committee of the whole House.

Mr. Judah took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Judah reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended be engrossed.

(126)

Official Acts in
District of Ottawa.

The Order of the Day for the second reading of the Bill to confirm and make valid certain Official Acts in the Offices of Registrar, Clerk of the

Peace, Clerk of the District Court, and Registrar of the Surrogate Court, in and for the District of Ottawa, being read,

Ordered, That the Bill be read a second time on Friday next.

Obstructions in
Rivers.

The Order of the Day for the third reading of the Engrossed Bill, to prevent obstructions in Rivers and Rivulets in Upper Canada, being read,

Ordered, That the said Order of the Day be discharged and that the said Bill be re-committed to a Committee of the whole House, on Wednesday the twenty-second Instant.

Summary Process.

The Order of the day for the House in Committee on the Bill to render more summary the means of enforcing the returns of Process by Sheriffs and Coroners in that part of the Province called Upper Canada being read,

The House accordingly resolved itself into the said Committee.

The Honourable Mr. Solicitor General Aylwin, took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Solicitor General Aylwin reported, that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House whenever it shall be pleased to receive the same. ²⁵

Ordered, That the report be received to-morrow.

Montreal water
works.

The Order of the day for the House in Committee on the Bill to authorise the Mayor, Aldermen, and Citizens of Montreal, to purchase, acquire and hold,

the property now known as the Montreal Water works, being read,

The House accordingly resolved itself into the said Committee,

The Honourable Mr. Daly took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Daly reported that the Committee had gone through the Bill, and had made several Amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow,

Inspection &c. of
Timbers.

The Order of the day for the House in Committee,
on the Bill to regulate the Inspection and measurement of Timber, Masts, Spars, Deals, and other

articles of a like nature, being read,

Resolved, That this House will to-morrow resolve itself into the said Committee, and that it be the first order of the day.

Management of
Customs.

Ordered, That the Order of the day for the House in Committee, on the Bill to provide for the management of the Customs, and of matters relative

to the collection of the Provincial Revenue, be postponed until Thursday next.

Then on motion of the Honourable Mr. Viger, seconded by the Honourable Mr. Solicitor General Aylwin,

The House adjourned.

APPENDIX, 14 NOVEMBER 1843.

((NOTICE OF PROPOSED MOTION.))

M. AYLWIN a donné avis d'une motion pour que la chambre en comité prenne en considération la convenance de rappeler les lois maintenant en vigueur concernant la corporation de la Trinité de Québec, et d'y substituer de nouvelles dispositions législatives.²⁶

FOOTNOTES - 14 NOVEMBER 1843.

1. The following was reported in: MONTREAL GAZETTE, 21 November 1843, and BRITISH COLONIST, 21 November, 1843, in identical accounts; and in LA MINERVE, 23 November 1843, in an account translated from the GAZETTE and the COLONIST. The MONTREAL GAZETTE also commented that the petition prayed "for an indemnity for the loss of the schooner Nelson, unlawfully seized by the Americans, on the Upper Lakes in 1811, and sold as a prize. The vessel was loaded with flour when it was seized."
2. MONTREAL GAZETTE, 21 November 1843.
3. The debate on this matter was reported in: BRITISH COLONIST, 21 November 1843, in an account identical to that of the MONTREAL GAZETTE, 21 November 1843; and LA MINERVE, 23 November 1843, which translated the accounts in the MONTREAL GAZETTE and the BRITISH COLONIST.
4. MONTREAL GAZETTE, 21 November 1843.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. "Upon the motion of Capt. Steele," according to IBID.
12. The debate on this matter was reported in: BRITISH COLONIST, 21 November 1843, in an account identical to that of the MONTREAL GAZETTE, 21 November 1843; and LA MINERVE, 23 November 1843, which translated the accounts in the MONTREAL GAZETTE and the BRITISH COLONIST.
13. MONTREAL GAZETTE, 21 November 1843.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. "This Bill provides that any Sheriff or Coroner, who shall not return a writ issued against him within three months after a writ of attachment for such neglect being executed against him, shall forfeit his office, and in case he shall continue after the expiration of such period to discharge the duties of his office, without being reappointed, he is to be fined £100." See MONTREAL GAZETTE, 21 November 1843.
26. LE CANADIEN, 22 November 1843.

WEDNESDAY, 15 NOVEMBER 1843.

(126)

4 Petitions brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Crane--The Petition of Andrew Holmes and others, Presbyterians in connexion with the Synod of Canada, of South Gower, Mountain and Oxford.

By Mr. Prince--The Petition of the Municipal Council of the Western District, (relating to Water courses.)

By the Honourable Mr. Black--The Petition of Sir Henry J. Caldwell and others, Merchants of Quebec.

By the Honourable Mr. Solicitor General Aylwin--The Petition of Joseph Donegan, of Montreal, Merchant.

British Fisheries,
Gulf of St. Lawrence.

An Engrossed Bill to incorporate certain persons therein named, with others, providing Funds towards carrying on the British Fisheries, in the Gulf of St. Lawrence and District of Gaspé, and

Mining in the said District, under the style of the Gaspé Fishery, Commercial and Mining Company, was read for the third time,

Resolved, That the Bill do pass, and the Title be "An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District, and Gulf of St. Lawrence, and Coal Mining in the said District."

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Ottawa Land Tax.

An Engrossed Bill to explain an Act passed in that part of the Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled, "An Act to confirm and regulate certain sales of Lands for taxes in the District of Ottawa," was read for the third time,

Resolved, That the Bill do pass, and the Title be "An Act to explain an Act passed in that part of this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled, "An Act to confirm and regulate certain sales of Lands for taxes in the Ottawa District."

Ordered, That Mr. George Sherwood, do carry the said Bill to the Legislative Council, and desire their concurrence.

Administration of Justice Lower Canada.

An Engrossed Bill to amend the Law relative to the Administration of Justice in Lower Canada, was read for the third time.

Ordered, That the said Bill be now re-committed to a Committee of the whole House.
The House accordingly resolved itself into the said Committee,

The Honourable Mr. Solicitor General Aylwin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And the Honourable Mr. Solicitor General Aylwin, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table and agreed to by the House.

Ordered, That the said Bill as amended be engrossed.

Petitions Read.

Pursuant to the Order of the day, the following Petitions, were read:--

Of William Price, Esquire, of Quebec, Merchant, praying that the Bill to regulate the inspection of Timber, Masts, Deals, &c. now before the Legislature be not past.

Of John Chitty and others, inhabitants of the Districts of Dalhousie and Ottawa, praying an aid for a road.

Of Charles H. Sache and others, inhabitants of Bathurst, praying for

(127)

the making of a certain road through the said District.

Of the Minister, Elders, and Congregation, of the Presbyterian Church in Dundas; praying that the Bill to regulate the Temporalities of the Church of Scotland be not passed.

Of Andrew Dickson, Sheriff of the District of Bathurst; praying for changes in the Law concerning the duties of Sheriffs, and the payment of their Fees.

Of Thomas Mullen and others, Tide Waiters at the Port of Montreal; praying for an increase of their Salaries.

Of James Morgan and others, Inhabitants of Côte St. Martin, Longue Point, and Pointe aux Trembles, in the District of Montreal; complaining of abuses committed by the Montreal Turnpike Road Trustees, and praying such relief as the House may think fit to grant.

Of G. R. Lounsbury and others, Members of the Baptist Church and Congregation, at Simcoe, in the District of Talbot; praying that the benefits of King's College at Toronto, and McGill College, at Montreal, may be equally extended to all Religious Denominations.

Petitions referred.
Jas. Morgan and
others.

Ordered, That the Petition of James Morgan and
others, Inhabitants of Côte St. Martin, Longue
Point, and Pointe aux Trembles, in the District

of Montreal, be referred to the Special Committee to which was referred the Petition of Simon Valois and others, Inhabitants of Côte St. Michel, Côte de la Visitation, and of the St. Mary's Current, in the Parish of Montreal, and other References.

Nicholas Sparks. Resolved, That the Petition of Nicholas Sparks, of Bytown, presented to the House, on the second Instant, be referred to a Select Committee composed of Mr. Derbishire, the Honourable Mr. Solicitor General Aylwin, Mr. Papineau, Mr. Johnston, and Mr. De Witt, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

W. & G. Tate. Resolved, That the Petition of William Tate and George Tate, Forwarders and Carriers between the Ports of Montreal and Quebec, presented to the House on the sixth Instant, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.
Ordered, That Mr. Christie, the Honourable Mr. Neilson, Mr. Leslie, Mr. De Witt, and Mr. Holmes, do compose the said Committee.

Jos. Paquet and other Pilots. Ordered, That the Petition of Joseph Paquet and others, Pilots for the navigation of the St. Lawrence, between the Ports of Montreal and Quebec, presented to the House on the ninth Instant, be referred to the said Committee.

W. Price, Esq. Ordered, That the Petition of William Price, Esquire, of Quebec, Merchant, be referred to the Committee of the whole House on the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, and other articles of a like nature.

C. Cazeau and others. Ordered, That the Petition of Charles Cazeau and others, commissioned Cullers of the City of Quebec, presented to the House on the 8th Instant, be referred to the said Committee.

X. Legault and others. Resolved, That the Petition of Xavier Legault and others, of Isle Bizare, in the Parish of St. Raphael, in the District of Montreal, presented to the House on the twentieth of October last, be referred to a Special Committee of five Members, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Ordered, That Mr. Jobin, the Honourable Mr. Viger, Mr. Papineau, Mr. Barthe, and Mr. Lacoste, do compose the said Committee.

Message from Legis-
lative Council.

A Message from the Legislative Council by
John Fennings Taylor, Esquire, one of the Masters
in Chancery:

Cataragui Bridge
Bill.

Mr. Speaker,

The Legislative Council have passed the Bill,
intituled "An Act to amend the Charter of the Cata-
raqui Bridge Company," without any amendment.

Census of Lower
Canada.

And also,

The Legislative Council have passed the Bill,
intituled "An Act for taking the Census of the Inhabitants of Lower Canada,
and for obtaining certain Statistical information, therein mentioned," with
several amendments, to which they desire the concurrence of the Assembly.
And then he withdrew.

Report of Special
Committee on Peti-
tion of J.H. Lambe
and others.

Mr. De Witt from the Special Committee to which
was referred the Petition of J. Henry Lambe and
others, of the City and Parish of Montreal (re-
lating to the commutation with the Censitaires of
Nazareth and other Fiefs,) and another Reference,
presented to the House the Report of the said Committee, which was again
read at the Clerk's table, and is as followeth:--

"Your Committee, after maturely deliberating on the Petitions to
them referred, have come to the opinion, that it is expedient to authorize
the Proprietors of the Fiefs St. Augustin, St. Joseph, La Gauchetiere, and
Closse, to commute with their Censitaires upon such terms as may be mutual-
ly agreed upon between the Parties; and that the said authority do contin-
ue in force until a general law be passed to authorize the Seigniors of
the late Province of Lower Canada to commute with their Censitaires."

Ordered, That the said Report be referred to a Committee of the whole
House, on Tuesday next.

Sale of Marriage
Licenses.

Mr. Christie from the Special Committee to
which was referred the Statement laid in compli-
ance with an Address of this House of the 10th
October, 1842, before this House on the sixteenth of October last, by
command of His Excellency, the Governor General, shewing the disburse-
ments of the receipts arising from the sale of Marriage Licenses, from
the 10th February, 1841, to the 31st December, 1842, with power to re-
port from time to time, presented to the House the First Report of the
said Committee, which was again read at the Clerk's table,¹

MR. DALY rose and said, that from the multiplicity of his duties, he was seldom able to attend in the House at an early hour, which would account for his being absent when this matter was discussed in the House, with the view of appointing a Committee. The Report now just read, was, however, quite satisfactory; he would therefore move that 250 copies in English and as many in French, be printed for the use of Members.²

MR. WAKEFIELD rose, and said, as he was one of the committee whose report had just been laid before the House, he was desirous of making a few observations in regard to the matter which had engaged their attention.³ It was due to Lord Sydenham, as well as to the House, that the enquiry should have been instituted⁴. He regretted that the hon. gentlemen on the Treasury Benches had not granted an inquiry until it was loudly called for by the House; and was surprised at the unwillingness of those hon. gentlemen to allow the inquiry; he was more than surprised, he was puzzled, but now that the report had been made he was no longer surprised or puzzled. That report established a fact of much public importance - that the charge of speculation against his hon. friend the Secretary East was unfounded, and the hon. member for Gaspé with that frankness and manliness characteristic of that hon. gentleman had openly disavowed it, after a careful examination into the matter brought before the House. The charge was that his hon. friends had illegally, employed the fund arising from the marriage Licences, and that view of the case, the hon. gentlemen on the Treasury benches, the colleagues of that hon. gentleman, seemed willing to allow to go before the public. The report, however, established the fact, that it was a peculiar fund arising out of a peculiar state of things: it was received by the Governor-General as an Ecclesiastical fund; and at his disposal precisely the same as the share of Custom-House seizures formerly allotted to that office.⁵ In advising the appropriation of this fund, it appeared that no law had been violated, and that if the Secretaries had acted criminally in the matter, the rest of their colleagues, one and all, had also been equally implicated in it.⁶ The ministry as a ... whole were quite as responsible as that hon. gentleman, (hear.) They were cognizant of the fact; some of them were members of the Executive at that period, and therefore they were quite as responsible, if any wrong had been done - (hear, hear.) The first impression entertained of the matter was not at all favorable to his hon. friends the Secretaries, but the House had been misled by the returns laid on the table by the Inspector-General. That was, if he might so call it, the germ, the basis of the charge. It did appear to make out that those gentlemen and Lord Sydenham had done some great public wrong. The report shows the whole course taken by the administration erroneous in law and wanting in point of respect to the House. It was quite evident they had proceeded upon the assumption that the Fees formed part of the casual and Territorial Revenue fund: and that was a complete error: it was not the case. It had never been communicated to that House that the Governor had divested himself of that fund; and if such a change was contemplated, it should be made known to the House by Message, and the House would doubtless have thanked His Ex-

cellency for such an intimation. It was therefore incumbent upon the administration to retrace their steps, and state to His Excellency that their previous advice was founded in error (hear), and that it behove him to communicate what has now been stated, in a formal manner. He would trouble the House with but one more remark, and he wished the attention of the House to it. His hon. friends had been charged with having given bad advice; and honble (sic) gentlemen frequently referred to the principle of responsibility, and congratulated themselves upon its recognition; but it seemed to him that they had not yet reached a point in responsible government which was absolutely necessary; there seemed to be a want of union among the members of the government; that union was absolutely necessary to the successful working of a government. But there was a want of actual responsibility which he much regretted to see; instead of ministers bringing forward their measures and submitting them boldly to the House, and assuming the whole responsibility of them, there was a setting this one and that one to know whether such and such clauses were palatable to certain members of the House; and on meeting with a rebuff, hastily withdrawing it (hear, hear), thus completely shirking the responsibility, so far as the administration was concerned. There was really no responsibility.⁷ When this matter was brought before the House, the opinions of the Attorney General East and of the Attorney General West should have been expressed upon it, and their colleagues should have been defended from the attacks made upon them. The House ought to know in future, what was the course which the Government intended to pursue with reference to this fund, and the advice that would be given to His Excellency with regard to it.⁸

MR. BALDWIN denied on the part of the government, having entertained any desire, or sought in the least to prevent an enquiry into the matter now before the House. But motions were frequently made for the purpose of speaking to them and eliciting information, with the intention of withdrawing after the desired information was given; and supposing that to be the object of the hon. member for Gaspé, he (Mr Baldwin) had risen in his place and stated the circumstances and also the intention of the government with respect to the future disposal of that fund; but when he found that the hon. gentleman desired to prosecute an enquiry, he offered no objection whatever to his so doing.⁹ With reference to the Member for Beauharnois's allusions, that the Government had shrunk from the defence of his colleagues, he (Mr. Baldwin) denounced such allegations as grossly presumptuous, the Government requiring no interference on his part in such matters, but being fully able and willing to defend those who acted with him, without any occasion for the exercise of his (Mr. Wakefield's) gracious protection being extended to them. As to the Government having opposed the enquiry, this was an attack as unfounded, as Mr. Wakefield's patronage of the Member for Kingston and the Member for Megantic was condescending (sic).¹⁰ The hon. gentleman who had made such an uncalled for attack upon the government seemed desirous of setting himself up as the arbiter between the hon. Secretary and his colleagues; he presumed to take ((it)) upon himself to lecture the govern-

ment as to the course it should have pursued in such a matter. He could tell that hon. gentleman that he would not submit to his dictation or that of any member in the House. Neither his hon. friend the Secretary East nor himself wanted any assistance from that quarter. His reason for taking the course he had done, was a desire to conduct the business of the House in the same manner as in the mother country - the only way in which the administration could properly be carried on. The Report which had just been read fully vindicated their proceedings. They had advised the Governor General to place the Marriage Fee Fund at the disposal of the Legislature, and it had been so done; and instead of being held up throughout the country as they had been in certain points as guilty of a misappropriation, they should have received the thanks of the country for what they had done in respect to that fund. The hon. member for Beauharnois was pleased to say that he (Mr. B.) was equally responsible with the Secretaries if the fund had been improperly applied; but it would be seen by the date of Lord Sydenham's order that it was upwards of a month after his (Mr. B's) retirement from the Cabinet that it was granted.¹¹

MR. LAFONTAINE addressed the House in French, going over the grounds taken by Mr Baldwin, and charging Mr Wakefield with presumption in thus attacking the government, he being a stranger in the Country.¹²

MR HINCKS would not have said anything on the subject had not the hon. member for Beauharnois alluded to the Report which he (the Inspector General) had the honor to present to the House. He had no desire to avoid discussion, nor had he sought to check inquiry. He believed the fund in question to constitute a portion of the Casual Revenue of the Crown, which at the period of the Union, was entirely surrendered to the Legislature. In the first session, some questions were put respecting that fund, but they were not answered, and during the second, the hon. member for North Lincoln put a similar question, and when it was stated in reply, that the fund was an ecclesiastical revenue, the idea was scouted by the House; all held that it must constitute a part of the Crown Revenue. When the accounts first came before him, he objected to the manner in which that fund had been disposed of, and stated at the time it should be made a part of the general revenue. He had not refused to defend his hon. colleague when assailed, with respect to the share which he received of this fund, and, unde(r) the circumstances, he thought nothing was more illjudged than the charge now made by the hon. member for Beauharnois. If the hon. gentleman desired to sow dissention among the members of the Cabinet, he could not have taken a surer method to accomplish that object.¹³

MR. WAKEFIELD stated that he knew well the hon. Attorney General West was not a member of the Cabinet when the order of payment was drawn out by Lord Sydenham, but he was a member when the arrangement was made, under which the money was so paid. (Hear, hear.)¹⁴

MR. BALDWIN remarked, if such was the case, he knew nothing of the

matter.¹⁵

(127)

Ordered, That two hundred and fifty copies of the said Report, be printed in each of the English and French Languages, for the use of the Members of this House.

La Banque du
peuple.

Mr. Quesnel from the Select Committee to which was referred the Bill to incorporate certain persons carrying on the Business of Banking in the City of Montreal, under the name of "La Banque du Peuple," reported that

(128)

the Committee had gone through the Bill and made several amendments thereto, which amendments were again read at the Clerk's Table.

Ordered, That the said Bill and Report be referred to a Committee of the whole House, on Friday next.

Bill to Incorporate
Les Dames Religieuses
&c.

Mr. Quesnel, from the Select Committee to which was referred the Bill to incorporate Les Dames Religieuses du Sacré Cœur de Jésus of the Parish of St. Jacques de L'Achigan, in the District of Montreal, for the purposes of Education, reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Report of Select
Committee on Pet-
ition of Thomas
McLean and others.

The Honourable Mr. Hincks from the Select Committee to which was referred the Petition of Thomas McLean and other Inhabitants of the Township of Zorra East, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have inquired into the practicability of granting the prayer of the Petitioners, and have agreed to recommend the same to the favourable consideration of Your Honourable House; and would therefore suggest the propriety of passing a Bill to divide the Township of Zorra into two Townships, to be called the Township of East Zorra, and the Township of West Zorra."

Ordered, That the said Report be referred to a Committee of the whole House, on Monday next.

MR. H. SHERWOOD¹⁶ moved to postpone the defence of King's College, Toronto, by counsel at the bar of the House, against the University Bill, to Thursday next, on account of the term time at present engrossing the attention of the counsel engaged, (Mr. Draper and Mr. Blake.) The former gentleman also being indisposed.¹⁷

(128)

Upper Canada University Bill.

Ordered, That the Order of the Day for the second reading of the Bill to provide for the separate exercise of the Collegiate and University Functions of the College established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University; and for the more efficient establishment and satisfactory Government of the same, be postponed until Wednesday, the twenty-second Instant.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House by command of His Excellency, the Governor General,

Late General Election of Lower Canada.

Return to an Address of the Legislative Assembly to the Governor General, bearing date the 31st ult.; praying that His Excellency will be pleased to cause to be laid before the House, copies of any correspondence between the Provincial Government and Mr. Nicholas Fulham, or between the Provincial Government and any Public Officer or Officers, Member or Members of the Legislature, or other person or persons during the period of the late General Election, in the late Province of Lower Canada, concerning the manner in which the said Election was conducted and the fixing of the places of Election.

By Command

D. Daly,
Secretary.

Secretary's Office,
Kingston, 11th November, 1843.

(The said Return is printed as an Appendix to the First Report of the Special Committee, appointed to investigate and report on the outrages alleged to have been committed at the General Election, in the Counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly, and Rouville. (See Appendix JJ.)

On motion of the Honourable Mr. Neilson, seconded by Mr. Cartwright.
Ordered, That the said return be referred to the Special Committee, appointed to investigate and report on the outrage alleged to have been committed at the General Election in the Counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly and Rouville.

On motion of Mr. Henry Smith, seconded by Mr. Murney.

Kingston Marine Railway Company.

Ordered, That the Amendments made by the Legislative Council to the Bill, intituled, "An

Act to amend the Act of Incorporation of the Kingston Marine Railway Company, be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said Amendments were read and are as followeth:--

Press 1, Line 25.--After "expedient" insert "Provided always, that all such real estate or Property to be at any time held by the said Company shall not exceed in its yearly value, the sum of five thousand pounds, currency."

Ibid,-----30.---After "be" insert "as."

Ibid,-----31.---After "whatsoever" insert "as if the powers and authorities conferred by this Act had been conferred by the Act above mentioned, and as if the said Deeds, Conveyances, Leases, Agreements, or Contracts, had been made by, with, or in the name of the said Corporation."

-----2,-----After "same" insert "Provided that nothing in the said hereinbefore mentioned Act, or in this Act contained, shall be held to authorize or warrant the said Corporation to act as Bankers, or to issue or keep in circulation, notes in the nature of Bank Notes, or to make such notes valid in law, if issued by or in the name of the said Corporation."

And the said amendments being again read, they were agreed to by the House.

Ordered, That Mr. Henry Smith do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

General Quarter Sessions U.C.

On motion of Mr. Cartwright, seconded by Mr. George Sherwood,

Ordered, That the amendments made by the Legislative Council to the Bill, intituled "An Act to fix the period for holding the Courts of General Quarter Sessions of the Peace in that part of the Province, formerly Upper Canada," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth:--

Press 1. Line 19.--After "notwithstanding," insert the following Clause--
"And whereas from the alteration in the periods for holding the several Courts of General Quarter Sessions of the Peace as afore-said, the several periods for holding the District Courts in and for the Districts of that part of this Province, heretofore Upper

Canada, will under the Provisions of the Law be changed; and whereas Writ and Processes may have been, or may yet issue, returnable on a day on which no such District Court under the Provisions of this Act will be held, for remedy whereof, be it enacted that any Writ or Process, which hath been or shall be issued before the first day of January next, from any District Court in that part of the Province heretofore called Upper Canada, and the return day mentioned in any such Writ or Process be deemed and taken to be as valid and effectual in Law to all intents and purposes, as if this Act had not been passed; and such Writ or Process (being a Mesne Process) shall be taken and considered to be returnable, on the third day of the Term next ensuing the first day of January next, although another and different return day may be stated in such Writ or Process, which hath been or shall be issued as aforesaid."

Preamble. Line 2.---After "Peace," insert "and District Courts."

Title. Line 2.---After "Peace," insert "and District Courts."

And the said amendments being again read, they were agreed to by the House.

Ordered, That Mr. Cartwright do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Trinity House,
Quebec.

On motion of the Honourable Mr. Solicitor General Aylwin, seconded by the Honourable Mr. Daly,
Resolved, That this House do now resolve itself

into a Committee of the whole House to consider the expediency of repealing the several Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec; to Pilots and Pilotage in the Port of Quebec; and to the Quebec Decayed Pilot Fund;--and of substituting other legislative provisions in lieu thereof.

The House accordingly resolved itself into the said Committee.

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Simpson reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the several Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec; to Pilots and Pilotage in the Port of Quebec; and to the Quebec Decayed Pilot Fund; and of substituting other legislative provisions in lieu thereof.

Ordered, That the Honourable Mr. Solicitor General Aylwin have leave to bring in a Bill to amend and consolidate the Laws and Ordinances now in force relating to the powers and duties of the Corporation

of the Trinity House of Quebec; to Pilots and Pilotage in the Port of Quebec; and to the Quebec Decayed Pilot Fund, and for other purposes.

(29)

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday the twenty-third Instant.

U.C. Trust & Loan Company.

Ordered, That the Order of the day for the House in Committee on the Bill for Incorporating and granting certain powers to the Upper Canada Trust and Loan Company, be postponed until Tuesday next.

Gore Township.

Ordered, That Mr. Forbes have leave to bring in a Bill to detach the Township of Gore from the County of Terrebonne, and to annex it to the County of Two Mountains.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

On motion of Mr. Leslie, seconded by Mr. De Witt,

Duties on Bastard Sugar.

Ordered, That the Return to an Address from the House of Assembly to His Excellency, the Governor General, dated 6th November 1843, praying for "any Despatches or communications that have been received from, or transmitted to, the Colonial Minister, on the subject of Duties levied on Bastard Sugar," laid before the House on the fourteenth instant, be referred to the Select Committee to which was referred the Petition of Messieurs Gillespie, Moffatt, and Company, and other Merchants of Montreal, and other references.

His Excel'y to proceed to the Leg. Council.

Mr. Speaker acquainted the House that he had received a communication informing him that it was His Excellency the Governor General's intention, to proceed to the Legislative Council to-morrow, at half-past three o'clock P.M., for the purpose of giving His Assent in Her Majesty's name, to certain Bills passed by the Legislative Council and Legislative Assembly.

Common Schools.

Mr. Stewart from the Committee of the whole House, on the Bill to repeal the Act now in force for the establishment and maintenance of Common Schools, and to grant an indemnity for the payment of certain portions of the School moneys for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of said moneys, for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three, reported, according to order, the amendments

made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Process by Sheriffs.

The Honourable Mr. Solicitor General Aylwin, from the Committee of the whole House, on the Bill to render more summary the means of enforcing the Returns of Process, by Sheriffs and Coroners in that part of this Province called Upper Canada, reported, according to order, the amendment made by the Committee to the said Bill, which amendment was again read at the Clerk's table and agreed to by the House.

Ordered, That the said Bill as amended be engrossed.

Montreal Water Works.

The Honourable Mr. Daly, from the Committee of the whole House, on the Bill to authorize the Mayor, Aldermen, and Citizens, of Montreal, to purchase, acquire, and hold, the property now known as the Montreal Water Works, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

River Boyer Bridge.

The Order of the day for the Second Reading of the Bill, to continue and renew for a certain time, the privileges granted by a certain Act of Lower Canada, therein mentioned to Alexis Gosselin and his Assigns, with regard to a certain Bridge over the River Boyer, in the County of Bellechasse, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. J. S. Macdonald took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

(130)

And Mr. J. S. Macdonald reported, that the Committee had gone through the Bill and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Game Bill.

The Order of the day for the Second Reading of the Bill for the preservation of Deer and other Game, within this Province, and for prohibiting hunting and shooting on the Lord's Day, being read.

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Hamilton took the Chair of the Committee,¹⁸

COL. PRINCE said, it was no aristocratic bill, or he would never have introduced it. The English game laws he considered tyrannical. But this bill was merely to prevent killing game out of season, and by improper methods, such as must soon destroy the breed. Of the necessity of some restriction, the House could judge by the fact, that one man in the Western district, had trapped 140 wild turkeys last winter. And no man should be allowed to shoot the wild turkey on her nest, or the doe with a fawn by her side. The principle of the bill had been sanctioned in Lower Canada, 120 years ago - an ordinance having been passed, imposing a fine for killing or selling partridges, between 15th March and 15th July.¹⁹

A great deal of time was consumed by the Committee, some contending that it was a bill for the rich and not for the poor, others that it had no such intent; the majority however were for protecting game to a certain extent, to secure it from being totally destroyed. A great opposition was also evinced with reference to Lower Canada, to placing any restriction upon shooting on the Sabbath day.²⁰

MR. AYLWIN ... said, that it was not because the Sabbath was less regarded in Lower than in Upper Canada, but owing to a difference of opinion, which after all, was the cause of so many sects in the world. That if it was observing the Sabbath to look solemn, pull a long face, and then spend the evening in debauchery with some, so was it equally observing the Sabbath to enjoy the simple amusements of dancing and other cheerful and harmless recreations with others.²¹

MR. D.B. VIGER said, he would have religion taught by lesson not by law; and asked, if Ireland had been brought over to change her religion, by restrictive laws.²²

MR. MORIN opposed extending the prohibition to Lower Canada. He thought the civil law of that province superior to the civil law of the upper province; but he would not attempt to force it on the latter, by law. He also opposed the restriction on snaring or trapping, saying, a large part of the population killed game for their subsistence, not for sport, and to them the easiest way is the best; for they could not afford the time necessary to take it in what had been called a fair manner. He would, therefore, allow every body to snare, trap, or kill game, in any way, when in season.²³

DR. DUNLOP was in favor of preserving the game. The game of France had been nearly destroyed, by the license taken at the revolution. As to restraining shooting on the Sabbath, it was highly necessary. The Sabbath should be observed. If all the legislators from Solon and Lycurgus to Napoleon, had combined, they could not have devised a more philanthropic institution. It gives rest to man and beast. It is the poor man's Sabbath, and it ought to be kept sacred, even if there were no religious

considerations connected with it.²⁴

La clause défendant d'aller à la chasse le dimanche a été retranscrite d'abord pour le Bas-Canada, à la majorité de 33 voix contre 22, et ensuite pour le Haut-Canada à celle de 31 voix contre 23.²⁵

The objectionable part of the clause was then expunged. As some of the leading features of the bill, - wild turkey is not to be allowed to be trapped, and the fines are, £10, the maximum, £2 10s, the minimum, with three months' imprisonment in default of payment.²⁶

(130)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hamilton reported, that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same. Ordered, That the Report be received to-morrow.

Imprisonment for Debt.

The Order of the day for the Second Reading of the Bill to abolish imprisonment on execution for Debt, and for the punishment of fraudulent

Debtors, being read,

The said Bill was accordingly read, and referred to a Special Committee, composed of the Honourable Mr. Boulton, Mr. Judah, Mr. Quesnel, the Honourable Mr. Black, the Honourable Mr. Sherwood, Mr. Boswell, and Mr. Duggan, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Timber Inspection.

The Order of the day for the House in Committee on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, and other articles of a like nature, and other References, being read,

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee.²⁷

Several clauses were postponed, and ... the committee ... reached the 23rd clause²⁸.

(130)

Several Members having retired,

Mr. Speaker resumed the Chair,

And the names of the Members present were taken down, as followeth:--

Mr. Speaker,

Messieurs Aylwin, Berthelot, Boutillier, Cameron, Chabôt, Derbshire, De Witt, Hale, Holmes, Johnston, D. McDonald, Morin, Roblin, Stewart, L.M. Viger, and Watts.

And at half past eleven o'clock at night, Mr. Speaker adjourned the House for want of a Quorum.

FOOTNOTES - 15 NOVEMBER 1843.

1. The debate on the following was reported in: MONTREAL GAZETTE, 21 November 1843, and BRITISH COLONIST, 21 November 1843, in identical accounts; LA MINERVE, 23 November 1843, which contained a translation of the accounts in the MONTREAL GAZETTE and the BRITISH COLONIST; KINGSTON CHRONICLE, 22 November 1843; ST. CATHARINES JOURNAL, 7 December 1843; LE CANADIEN, 22 November 1843, which copied the MORNING COURIER; and L'AUREORE, 21 November 1843.
2. MONTREAL GAZETTE, 21 November 1843.
3. KINGSTON CHRONICLE, 22 November 1843.
4. MONTREAL GAZETTE, 21 November 1843.
5. KINGSTON CHRONICLE, 22 November 1843.
6. MONTREAL GAZETTE, 21 November 1843.
7. KINGSTON CHRONICLE, 22 November 1843.
8. MONTREAL GAZETTE, 21 November 1843.
9. KINGSTON CHRONICLE, 22 November 1843.
10. MONTREAL GAZETTE, 21 November 1843.
11. KINGSTON CHRONICLE, 22 November 1843.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. The debate on the following was reported in: MONTREAL GAZETTE, 21 November 1843, in an account identical to that of the BRITISH COLONIST, 21 November 1843; and LA MINERVE, 23 November 1843, which translated the accounts in the MONTREAL GAZETTE and the BRITISH COLONIST.
17. MONTREAL GAZETTE, 21 November 1843.
18. The debate on this matter was reported in: BRITISH COLONIST, 21 November 1843, and MONTREAL GAZETTE, 21 November 1843, in identical accounts; LA MINERVE, 23 November 1843, which contained a translation of the accounts in the MONTREAL GAZETTE and the BRITISH COLONIST; LE CANADIEN, 24 November 1843; and ST. CATHARINES JOURNAL, 7 December 1843.
19. ST. CATHARINES JOURNAL, 7 December 1843.
20. MONTREAL GAZETTE, 21 November 1843.
21. IBID.
22. ST. CATHARINES JOURNAL, 7 December 1843.
23. IBID.
24. IBID.
25. LE CANADIEN, 24 November 1843.
26. MONTREAL GAZETTE, 21 November 1843.
27. The following was reported in: BRITISH COLONIST, 21 November 1843, and MONTREAL GAZETTE, 21 November 1843, in identical accounts; LA MINERVE, 23 November 1843, which translated the accounts in the GAZETTE and the COLONIST; LE CANADIEN, 24 November 1843; and the ST. CATHARINES JOURNAL, 7 December 1843. LE CANADIEN, 24 November 1843, provided a very interesting commentary as well.
28. MONTREAL GAZETTE, 21 November 1843.

THURSDAY, 16 NOVEMBER, 1843.

(130)

Six Petitions
brought up.

THE following Petitions were severally brought up,
and laid on the Table:--

By Mr. Harmannus Smith--The Petition of E. Cartwright Thomas and others, Inhabitants of the District of Gore, in Public Meeting assembled, (relating to the road between Hamilton and Binkley's.)

By Mr. Parke--The Petition of Dugald Sinclair and others, Members of the Baptist Church and Congregation at Lobo, in the District of London.

By Mr. Duggan--The Petition of George Millar and others, Inhabitants of the Township of Toronto and neighbourhood.

By Mr. Jobin--The Petition of the Reverend E. Payment and others, Inhabitants of the Parishes of Ste. Geneviève and Ste. Anne, in the Island of Montreal.

By Mr. Durand--The Petition of E. Cartwright Thomas and others, Inhabitants of the Districts of Gore and Wellington (relating to a road from Lake Ontario to Owen's Sound.)

By the Honourable Mr. Black--The Petition of William Sheppard, Esq. President of the Literary and Historical Society of Quebec.

Administration of
Justice, Lower
Canada.

An engrossed Bill to amend the Law relative to
the Administration of Justice in Lower Canada, as
amended, was again read.¹

M. LAFONTAINE remarqua là dessus qu'il ne prétendait pas que le bill fut parfait. Il l'avait introduit au commencement de la session et l'avait remis jusqu'alors expressément afin de donner à l'hon. membre pour Québec l'occasion d'être présent. Il avait été référé à un comité dont l'hon membre formait partie. Il n'y avait jamais assisté et n'y avait apporté aucune (sic) opposition lorsqu'il fut soumis à la Chambre. Le membre pour le Lac des Deux Montagnes ne s'opposait que parce qu'on n'avait pas fixé le lieu où devait se tenir la cour, là où il aurait voulu qu'il fût, c'est-à-dire à St. André au lieu du Grand Brûlé, qui n'en était éloigné que de quelques arpents.²

M. BLACK répliqua qu'il était opposé aux principes du bill; il n'avait pas assisté aux séances du comité, sachant combien il était inutile de s'y opposer; et n'avait pas non-plus voulu s'y opposer, lors de son passage dans la chambre, voyant qu'il recontrait les vues de la majorité des membres. Il désirait seulement faire entrer son vote sur le journal.³

M. FORBES ne voyait aucune raison pour changer le lieu de la tenue de la cour; St. André était plus central, on avait fait les dépenses d'y construire une salle d'audience. Il n'avait entendu aucune plainte contre l'ancien système de judicature. Les habitants de son district en paraissaient parfaitement satisfaits.⁴

M. LAFONTAINE dit qu'on avait reçu des requêtes contre, d'un bout du pays à l'autre.⁵

(130)

The Honourable Mr. Attorney General Lafontaine moved, seconded by the Honourable Mr. Solicitor General Aylwin, That the Bill do now pass and the Title be, "An Act to amend the Law relative to the Administration of Justice in Lower Canada."

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:-

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, CRANE, DE WITT, DUNN, DURAND, FOSTER, HALE, HAMILTON, HINCKS, HOLMES, JOBIN, JONES, LACOSTE, LAFONTAINE, LESLIE, MOORE, MORIN, MORRIS, NOEL, PAPINEAU, PARKE, PRINCE, QUESNEL, ROBLIN, SIMPSON, SMALL, HARMANNUS SMITH, STEELE, STEWART, TACHE, TURCOTE, D.B. VIGER, L.M. VIGER, WAKEFIELD, and WILLIAMS.--(47.)

NAYS.

Messieurs BLACK, CARTWRIGHT, DUGGAN, FORBES, MURNEY, NEILSON, HENRY SMITH, and HENRY SHERWOOD.--(8.)

So it was carried in the affirmative, and Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Lafontaine do carry the said Bill to the Legislative Council, and desire their concurrence.

Black Rod.

A Message was brought by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod.

House to attend
His Ex'y.

Mr. Speaker,

His Excellency, the Governor General, desires the immediate attendance of this Honourable House in the Legislative Council Chamber.

Accordingly Mr. Speaker, with the House, went to the Council Chamber, And being returned,

Royal Assent to
certain Bills.

Mr. Speaker reported, that, agreeable to the commands of His Excellency, the Governor General, the House had attended His Excellency in the Legislative Council Chamber, where His Excellency was pleased to give, in Her Majesty's name, the Royal Assent to the following Public and Private Bills:--

"An Act for continuing the Provincial Parliament in case of the demise of the Crown."

"An Act to render the Judges of the Courts of King's Bench in that part of this Province heretofore Lower Canada, independent of the Crown."

"An Act for securing the Province against any unnecessary loss on the judicial sale of certain parts of the vacant estate of the late Honourable Sir John Caldwell."

"An Act to amend the Act incorporating the Bank of Montreal, by providing for the extension of the time limited for the paying up of the new Stock of the said Bank."

"An Act to incorporate the Ladies of the Protestant Orphan Asylum of the City of Montreal."

(131)

"An Act to incorporate the Ladies of the Committee of Management of the Montreal Lying in Hospital."

"An Act to impose certain duties on Agricultural produce and Live Stock, imported into this Province."

"An Act to authorize the Superior and Directors of the Seminary of Quebec, to acquire and hold a certain amount of property in addition to that now held by them."

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:

Of William Stewart and others, Debtors, confined in the close custody of the Sheriff of the Home District; praying for the passing of the Bill now before the House to abolish imprisonment for Debt.

Of H. Robinson and others, Inhabitants of the County of Shefford; praying an aid to open a road from St. John's to Waterloo, in the said County.

Of R. Young and others, Inhabitants of Goderich, in the District of Huron; praying that the Bill now before the House for the annexation of the Township of Williams in the District of London, be not passed.

Of Henry Hamilton and others, School Commissioners and Teachers, of the Townships of Yarmouth and Southwold, in the District of London; praying that the said District may receive its proportion of School Money since 1841.

Of John Burwell, of Port Burwell; praying that Registry Books be declared Public Property, and remain as such in Registry Offices.

Message from Leg. Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

MR. SPEAKER,

The Legislative Council have passed the following Bills, without any amendment:

Harrison's relief. "An Act to authorize the Court of Queen's Bench, and the High Court of Chancery, at their discretion, to admit Samuel Bealy Harrison, to practise as an Attorney and Solicitor thereof, respectively."

Adverse Claims. "An Act to enable Courts of Law, in that part of this Province called Upper Canada, to give relief against adverse claims made upon persons having no interest in the subject of such claims."

And then he withdrew.

Petitions referred. William Stewart and others. Ordered, That the Petition of William Stewart, and others, Debtors confined in the close custody of the Home District, be referred to the Special Committee to which was referred the Bill to abolish imprisonment on Execution for Debt, and for the punishment of fraudulent Debtors.

Ordered, That Mr. Prince be added to the said Committee.

Agricultural Society, Two Mountains. Resolved, That the Petition of the Agricultural Society of the Municipal District of the Lake of Two Mountains, presented to the House on the tenth instant, be referred to a select Committee, composed of Mr. Forbes, Mr. Armstrong, Mr. Simpson, the Honourable Mr. Jones, and Mr. Quesnel, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Andrew Dickson. Ordered, That the Petition of Andrew Dickson, Sheriff of the District of Bathurst, presented to the House, on the thirteenth instant, be referred to the Special Committee appointed to inquire as to the amount of Fees and Emoluments received by the various Officers connected with the Administration of Justice, in that part of this Province formerly Upper Canada, and paid out of District Funds.

N. Arcaud & others. Resolved, That the Petition of Narcisse Arcaud and others, Pilots for and below the Harbours of Quebec, and Montreal, presented to the House on the Second of October last, be referred to a Special Committee of seven Members, to examine the contents thereof, and to report thereon from time to time, with power to send for persons, papers and records.

Ordered, That the Honourable Mr. Solicitor General Aylwin, Captain Steele,

Mr. Williams, Mr. Chabot, Mr. Christie, the Honourable Mr. Neilson, and Mr. Taché, do compose the said Committee.

Niagara District Bank.

On motion of Mr. Merritt, seconded by M. Cam-eron,

Ordered, That the Order of the day for the Second Reading of the Bill to amend the Act incorporating the Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the Stock of the said Bank, lost by the adjournment of the House of Tuesday last, be revived, and that the said Bill be read a second time on Wednesday next.

Niagara Market.

Ordered, That the Honourable Mr. Boulton, have leave to bring in a Bill for vesting the Market Block, in the Town of Niagara, in the Council of the said Town, and for other purposes.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday the twenty-ninth instant,

Absconding Debtors.

Ordered, That the Honourable Mr. Solicitor General Small, have leave to bring in a Bill to enable

Creditors to attach the personal Estate of absconding Debtors, where the bodies of such Debtors cannot now, by Law be detained.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Thursday next.

Small debts.

The Honourable Mr. Solicitor General Small moved, seconded by Mr. Child, for leave to bring

in a Bill to repeal certain parts of, and to amend an Act of the Parliament of the Province, passed in the 4th and 5th years of the Reign of Her present Majesty, intituled, "An Act to repeal the Laws now in force in that part of the Province formerly Upper Canada, for the recovery of Small Debts, and to make other provision therefor," and to provide for the payment of the Clerks of the several Division Courts, in Upper Canada, by Fees, instead of a fixed Salary.

This led to a short discussion about the proper mode of introducing such Bills, and of carrying them through the House.⁶

MR BALDWIN stated that according to Parliamentary usage in the English House of Commons, all Bills, unless those in which a money vote was involved, were introduced by the person proposing them without the House going into committee of the whole, that a day was then fixed for the second reading when the principle was discussed, and upon this being adopted that the House then went into Committee of the whole, to manage the details. Mr Baldwin cited a number of precedents from the Journals of the

House of Commons to corroborate (sic) this view.⁷

MESSRS. BOULTON and SHERWOOD agreed with the views of the Attorney General.⁸

The Speaker MR. CUVILLIER wished that the House would now decide what course they would follow for the future.⁹

(131)

The Question having been put upon the said motion, a division ensued, and it was carried in the affirmative. ((The vote was 37 to 15.))¹⁰ And He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Surveying.

On motion of Mr. Parke, seconded by Mr. Child, Resolved, That this House do now resolve itself into a Committee of the Whole House, to consider the expediency of repealing, amending, and consolidating, as so amended, the several Acts now in force in Upper Canada, concerning Surveyors, and the mode of ascertaining and establishing boundary Lines,

(132)

Surveying.

The House accordingly resolved itself into the said Committee.

Mr. Cameron, took the Chair of the Committee and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Cameron reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal, amend, and consolidate, the several Acts in force in Upper Canada, concerning Surveyors and the mode of ascertaining Boundary Lines, and to substitute other provisions in lieu thereof.

Land Surveyors.

Ordered, That Mr. Parke have leave to bring in a

Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Common Schools.

Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill to provide for the establishment and maintenance of Common Schools in that part of this Province called Upper Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

On motion of Mr. Chabot, seconded by Mr. Berthelot,

Roman Catholic Churches, &c.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of repealing the Laws now in force in Lower Canada, for the construction and repairing of the Roman Catholic Churches, Church Yards, Parsonage Houses, and Dependencies thereof, and also for the erection and division of Parishes in Lower Canada, and of substituting new provisions in lieu thereof.

Leave of absence to Mr. Powell.

Ordered, That Mr. Powell have leave to absent himself from this House for a fortnight from this day, on urgent business.

River Boyer Bridge.

Mr. J. S. Macdonald from the Committee of the whole House on the Bill to renew and continue for a certain time the privileges granted by a certain Act of Lower Canada therein mentioned to Alexis Gosselin and his heirs and assigns, with regard to a certain Bridge over the River Boyer, in the County of Bellechasse, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill as amended, be engrossed.

Game Bill.

Mr. Hamilton from the Committee of the whole House, on the Bill for the preservation of Deer and other Game within this Province, and for prohibiting hunting and shooting on the Lord's day, reported, according to order, the amendments made by the Committee, to the said Bill, which amendments were again read at the Clerk's table.

Mr. Prince moved, seconded by Mr. Hamilton, that the Question of concurrence be now separately put upon the said amendments.

Mr. Murney moved, in amendment, seconded by Mr. Cartwright, that all the words after "That" in the said motion, be struck out, and the following substituted--"The said Bill and Report be now recommitted for the purpose of inserting after the 24th line in the 3rd clause, the following words," 'or if any person shall hunt or shoot, or go out with a gun or rifle in quest or pursuit of any Deer or other wild animals, or game, or wild fowl, on the Lord's day (commonly called Sunday) within this Province.' "

MR. PRINCE was sorry that this motion was made, after discussing this matter four hours yesterday.¹¹

(132)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs BOULTON, CAMERON, CARTWRIGHT, CHESLEY, CHILD, DUGGAN, FOSTER, JUDAH, JOHNSTON, J.S. MACDONALD, MCLEAN, MORRIS, MURNEY, NEILSON, ROBLIN, HARMANNUS SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEWART, THOMPSON, WILLIAMS, and WOODS.--(22.)

NAYS.

Messieurs ARMSTRONG, BALDWIN, BERTHELOT, BOUTILLIER, CHABOT, CHRISTIE, COOK, CRANE, DE WITT, FORBES, HALE, HINCKS, HOLMES, JOBIN, JONES, JUDAH, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, MERRITT, MORIN, PAPINEAU, PARKE, PRINCE, SIMPSON, HENRY SMITH, STEELE, TACHE, TURCOTTE, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(33.)

So it passed in the Negative.

Mr. Murney then moved, in amendment to the main motion, seconded by Mr. Cartwright, that all the words after "That" in the said motion, be struck out and the following substituted--"the said Bill be now re-committed for the purpose of inserting after the 24th line in the 3rd clause, the following words 'or if any person shall hunt or shoot or go out with a gun or rifle in quest or pursuit of any Deer or other wild animals, or game, or wild fowl, on the Lord's day (commonly called Sunday) within that part of the Province formerly called Upper Canada.' "

MR. CAMERON wished it withdrawn, or otherwise he should vote against it, after having voted for the other; but the House having decided the point, it was useless to press it further.¹²

MR. MERRITT said, if the amendment passed, it would be a reproach on Upper Canada. Religion founded on penal statutes, was inoperative, and there would not be a deer less killed. The Sabbath is observed in Upper Canada.¹³

CAPT. STEELE wished the amendment withdrawn, as it would prevent every man from using a gun for any purpose whatever, and in the back woods, people have sometimes to turn out to kill a bear, on Sunday.¹⁴

MR. JONES had as much respect as any man to (sic) the sanctity of the Sabbath, but would not do violence to any man's feelings.¹⁵

MR. BERTHELOT would not interfere with the religious opinions of

gentlemen in Upper Canada. If a better observance of the Sabbath is required, let it be provided for by a separate enactment, and not mixed up with this indifferent question.¹⁶

MR. ROBLIN wished the amendment withdrawn, as he and others in favor of it, had already recorded their opinions on the Journals; and if it were put to the vote he should vote for it. His district is a moral district, yet they sometimes hear guns popping on the Sabbath. He would prefer a separate bill for the observance of the Sabbath.¹⁷

(132)

The Question being put upon the said motion, a division ensued, and the names being called for they were taken, as followeth:--

YEAS.

Messieurs ARMSTRONG, BOULTON, CARTWRIGHT, CHESLEY, DUGGAN, FORBES, FOSTER, HOPKINS, JOHNSTON, MCLEAN, MURNEY, NEILSON, ROBLIN, SIMPSON, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEWART, THOMPSON, WAKEFIELD, WILLIAMS and WOODS, --(23.)

NAYS.

Messieurs BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHRISTIE, COOK, DEWITT, HALE, HINCKS, HOLMES, JOBIN, JONES, JUDAH, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, MERRITT, MORIN, NOEL, PAPINEAU, PARKE, PRINCE, STEELE, TACHE, TURCOTTE, D.B. VIGER, and L.M. VIGER.--(31)

So it passed in the Negative.

The Question being then put on the main motion, it was agreed to by the House.

And the first to the eighth of the said amendments inclusively, being again severally read, and the Question of concurrence being separately put upon each, they were agreed to by the House.

The ninth of the said amendments being again read.

The Honourable Mr. Jones moved, in amendment, seconded by Mr. Henry Smith, That the words "two pounds ten shillings" in the said amendment, be struck out, and the following substituted, "ten shillings."

(133)

The Question being put upon the said motion, it was agreed to by the House, and

The said Ninth amendment, as amended, being read, and the Question of concurrence being put thereon, it was agreed to unanimously;

And the tenth to the thirteenth, and last, of the said amendments, inclusively, being again severally read, and the Question of concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Assessment Bill.

The Order of the day for the second reading of the Bill to establish a more equal and just system of Assessment in the several Townships, Towns, and Cities in Upper Canada, being read,

*The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Attorney General Baldwin, that the said Bill be now read a second time.*¹⁸

Hon. MR. HINCKS, said that in rising to propose the second reading of the Bill for establishing a more equitable and just mode of assessment in Upper Canada, he felt it his duty to call the attention of the House to the great importance of the measure. The people of Upper Canada had long complained of the operation of the present assessment law, under which the valuable property of the rich was assessed for taxation at the same rate as that of their poorer neighbours. During the first session of the present Parliament when the Municipal and School Bills were under consideration, there had been a strong expression of opinion in the House that the assessment laws should be altered before any measure was adopted that would tend to increase taxation. There was at that time no difference of opinion in the House as to the necessity for such a measure, and the Government pledged itself to take the subject into consideration with a view to legislative enactment at as early a period as possible. He (Mr. H.) felt that the Assessment Bill was a necessary accompaniment to the Municipal and School Bills, the latter measures giving power to the Municipal bodies to tax, and the former providing a mode by which the taxes would be raised in an equitable manner from the owners of property. In accordance with the pledge given to the House, the late administration had prepared a measure to submit to Parliament, but owing to circumstances to which it was unnecessary now to revert, it had not been in their power to bring it forward. The present administration had also given their best consideration to the subject, and the result of their deliberations was the measure which he (Mr. H.) had now the honour to propose.¹⁹ As the law now stood, there was no difference in the taxing of land, whether near a populous town, or buried in the interior of the country; although the relative value of such land differed most materially. The present mode of assessing, was by rental, which was both deceptive and unfair, as the rich man who lived in the large towns, and had a capital of forty or fifty thousand pounds, paid no more than just what he was rated for the rent of his house.²⁰ The principle of the present Bill may be explained in a very few words, it is to assess all property liable to taxation at its real value, and not at a nominal one. To this principle he (Mr. H.) could not anticipate any objection, as it was obviously founded on equity and justice. There had been, however, a great outcry raised against some of the details, and from the remarks which he had seen in the public prints, and heard from individuals it was evident to him that a great misapprehension prevailed as to the effect of the bill. With regard to the tax on real property, which is by far the most important, the plan proposed by Government had not been objected to. The tax on personal property would not in all probability amount to more than one

fifteenth or perhaps one tenth of that on real property and yet this provision had caused the greatest alarm throughout the Country. It was generally believed that because property which had been heretofore exempted from taxation was now to be taxed, therefore the amount of taxation would be increased. Persons who ought to know better had either from ignorance or from a bad motive endeavoured to create these erroneous impressions - for instance, one newspaper in Toronto had announced that the new tax "would be cold comfort at the beginning of winter." To prevent misunderstanding he (Mr. H.) would explain the operation of the new law in Toronto. He would suppose that a revenue of £ 3000 is required for City purposes. This must be raised now from the property assessed. Under the new law not a shilling more would be required, but the tax would fall to a certain extent on property not at present assessed, and every shilling that was added to the taxation of the rich would go to reduce the taxation of the poor. The rich capitalist having property to the amount of tens of thousands of pounds would pay more, while the industrious mechanic and merchant would pay less. It had been said, however, that the mode of levying the tax would be so inquisitorial that it would produce great dissatisfaction. Nothing could be more absurd in his (Mr. H.'s) opinion than the statements that he had heard made in reference to this complaint. It had been said that detailed statements of the personal effects of individuals would be required by the Assessors, and that the people would be subjected to the greatest annoyance. He (Mr. H.) could affirm with confidence that such would not be the necessary consequence of the system. A personal property tax existed in the States of New York, Massachusetts, and indeed in nearly all the neighbouring States, and it was collected without any inquisition. The Assessor from his general knowledge of a man's circumstances, or from such information as he could obtain, assessed him at a certain rate for personal property, and if the party felt himself aggrieved, he could by swearing to a lower amount or convincing the Assessor of his error, obtain a reduction. The fact is, the Assessors always underrate the personal property and so far from being felt inquisitorial the complaint is that the law is not stringent enough. He (Mr. Hincks) had made personal inquiry in order to satisfy himself on this point, and the result was, a thorough conviction that the personal property tax would not be found oppressive. He could not admit the justice of placing the entire taxation on landed property, and exempting the man who invested his means in mortgages, bonds, or stocks. While, however, he (Mr. Hincks) was prepared to vindicate the bill in the shape in which he had brought it forward, neither he nor his colleagues had been unaware of the objections that would be raised, and in deliberating on the subject, they had always looked forward to the probable necessity of abandoning for the present, those parts of the bill to which he had just referred. They felt, however, that it was the wisest course to frame the bill in the shape, which in their opinion would be the most equitable and just, so that it might at any rate go before the public, and undergo full consideration. He (Mr. Hincks) could have no desire to press any measure which would be unsatisfactory to the people. His object and that of his colleagues was to give them entire satisfaction. He therefore proposed to abandon for the present that part of the bill which declared

personal property liable to taxation; and to wait until the people should have had full time to consider the subject, and to express their wishes to Parliament by petition or otherwise; and he (Mr. Hincks) felt convinced that whenever the subject was properly understood, those wishes would be expressed in conformity with the principle of the present bill. Lest it should be supposed that the abandonment of the personal property tax was likely to destroy the bill, he (Mr. Hincks) would endeavour to shew that the effect of the alteration would not be such as might at first be supposed. He had examined the statistics of the State of New York, and he found that taking the aggregate of taxation in the whole State, and assuming that our taxes would be as high, a man assessed for £1000 would pay about £1 2 0 per annum more, if real estate only were taxed, than he would do if both real and personal property were taxed. This, however, arose from the great amount of personal property, including all the Stocks of Companies in the large Cities of New York and Albany. But in Genessee Co., containing the City of Rochester, it would only make a difference of 5s. in the £1000, whether real property alone were taxed or real and personal; and in Wayne Co. (an agricultural district) only 2s. 6d. in the £1000. Our situation was in a great degree similar to these last mentioned Counties, and he (Mr. Hincks) was therefore of opinion that the exemption of personal property, although unjust in principle would not produce any serious evil. Having now, he hoped, removed the only objections that had been made to the bill, he would conclude by moving that it be now read a second time.²¹

MR. BOSWELL said the measure before the House was a most important one: but he would be flattering the administration did he say it was one generally approved of. In fact, there was more opposition - the opposition was more general, than to any measure ever introduced into that House. The principle of the bill he himself believed to be correct; but it could not be denied that it was a machinery for taxation; and as such it could not be expected that it would not (sic) at first be received with any degree of favor by the people. Therefore, the government could not be too cautious in introducing a measure of that kind. He did not say the popular voice was always right; it was as often wrong; and it required time and due consideration of the details and operation of a measure to remove prejudices which may be formed against it. He believed the principle of the measure to be correct: his constituents were opposed to it; and he felt it due to the government, with which he generally acted, to state the fact. He was of opinion, that it would be unwise to press the measure now in the face of those prejudices against it. If left to another Session, he had no doubt that correct views of the policy and necessity of such a measure would spring up throughout the country; which would not be the case if the first notice which the people would have of the measure would be the appearance of the Assessor at their doors, invested with the powers which the bill proposes to confer. A natural repugnance would be created in such a case, which it would be found, perhaps impossible to remove.²² To tax real property ... and leave personal property untouched, he did not think

was just. He was also of opinion, that this measure would increase taxation, notwithstanding what might be said to the contrary.²³ They had already passed a bill for the establishment of Municipal Councils, and the more easy the means of taxation were made, the more would they be used by the bodies thus created. A serious objection to the bill had been stated, that it was intended only for Upper Canada; he had too much confidence in the administration to suppose that they would be guilty of any such partial legislation, and he referred to the objection, that the public mind might be disabused of the impression now generally entertained. Everything which in Upper Canada was paid for and supported by local taxation, should be similarly provided for in Lower Canada. He was not aware that it was intended to apply this legislation to Upper Canada alone, but it was desirable that the intentions of the government should not be misunderstood.²⁴ One ((other)) great objection to the bill was, that it was to pass into a law by the votes of the members from Lower Canada, who were not affected by it, and, therefore, not interested in examining into its objectionable features.²⁵

MR. BOULTON remarked there was one part of the bill of which he approved, and only one part. That was, the part which had reference to the equalization of taxation on all real estate. He thought the principle of the bill in that respect a sound one; and that the system which had hitherto been acted upon was a bad one; a most unjust system: because it bore equally on an acre of land one quarter of a mile out of the city of Toronto, for instance, and on an acre in the middle of a swamp away beyond sundown (a laugh.) So far he went heartily with the bill: but when he came to other parts, he expressed not only his own opinion but the opinions of others entitled to respect, when he said the bill was most inquisitorial - a complete imposition. His next objection was that it only applied to one section of the country. (Hear, hear.) Now, it might be well to say that in Lower Canada the institutions and customs of the people were not suitable for the introduction of local taxation; but the bill before the House was not in itself the machinery for taxation, which could be equally applied to either section. If Upper Canada was to be assessed so also must Lower Canada; they must be equally assessed, or not at all. It was the only protection one portion of the Province had against being oppressed by the other, that whenever the United Legislature shall put its hand into the pockets of the people, it shall do so equally into both. He would protest against Upper Canada paying one sixpence more than Lower Canada. (Hear, hear.) Before this bill passed let the hon. Attorney General East introduce his measure for Lower Canada, and let us see what it looks like ²⁶.

Hear, hear, hear from Upper Canada members.²⁷

((MR. BOULTON continued:)) The House had been told the hon. gentleman was about bringing in a bill; why is it not going on fari passu, with the measure for Upper Canada? It was but justice to the administration that with respect to the suspicions entertained, the minds of the people of Upper Canada should be disabused, if indeed they were abused on that point.

Why had not that measure been brought forward and compared with the one before the House, that hon. gentleman (sic) might know precisely upon what they were legislating? Why not apply the abstract principle of the present bill to Lower Canada? These were questions which he trusted would be answered satisfactorily.²⁸

CAPT. STEELE did not believe there was one individual in the country who did not look upon the measure before the House with alarm, although he and others had endeavored to explain the propriety and necessity of some of the provisions of the bill. He thought the principle of the bill with regard to real estate was good; personal property should be omitted; it was already taxed enough indirectly. If the tax was intended to favor the rural population at the expense of cities, the former would reject it with scorn; they did not desire favor to be rendered by injustice to others. Some of its provisions were of an inquisitorial character, throwing open the business of merchants and looking into every body's affairs. It established an inquisition which Pitt, in his direst extremities, never resorted to; and he trusted would never be applied to this country.²⁹

MR. BALDWIN stated the necessity for some improvement in the Assessment Laws had long been felt in Upper Canada, and when in the first session of the present Parliament the bill for the establishment of Municipal Councils ((was brought up)) it was a matter of complaint on the part of those who were opposed to that measure as well as many who were in favor of it, that an alteration in the Assessment Laws did not accompany the measure; which complaint was answered and set aside at the time, by stating to the House that it would form a subject for subsequent Legislation. He therefore felt himself bound, he thought indeed that the House stood pledged, to take some steps in reference to the matter, and after introducing to the House a bill for the amendment of the Municipal Act, he thought the time had come when he was called upon to propose the measure now before hon. gentlemen. In doing so, he felt that the government should be wanting in its duty did it not come down to the House with a whole measure, in order to put the country fully in possession of the views entertained on the subject of local taxation. He had heard the prejudice of the people alluded to, and while no man was more ready than himself to receive a proper expression of public opinion, he would never shrink from what he conceived to be founded in justice to all classes of the community. It was only by discussion, by bringing under consideration, measures proposed for the benefit of the people that they exercise the legitimate mode of operating upon the public mind: it was necessary therefore to come down with the whole subject, although as had been stated by the hon. gentleman who introduced the measure, it was the intention of the government to postpone any action upon a portion of it. The Legislature of Upper Canada had taken the first step in fixing the value of property, and bad as the system adopted was, it was a step towards applying local money to local purposes. Some remarks had been made about the application of this measure to Upper Canada alone. If they were going to tax Upper Canada for

the general benefit - to raise money for general purposes, hon. gentlemen might complain, but when they were simply proposing a better system of taxation for Upper Canada, so far from complaining, they ought to be grateful for it. Hon. gentlemen might as well say that because Toronto had an improved system of taxation, therefore injustice was done to the whole Province - it was a benefit to that city. If the measure was only for the Home District he, as one holding property, would say, let us have it: he would not feel injured, but, on the contrary benefited (sic); and if others would not have it, let them have what system they liked. The present system places the chief burden upon the poor, estimating it according to their resources; the bill now offered to the House placed the burden upon property, and he who had most, paid most, and he who had little, contributed little. That he presumed to be the just system of taxation. It is, that every man shall contribute according to his means. With regard to the assessment of land, all admitted the correctness of the principle of the bill. With respect to personal property, he confessed there was much difficulty in applying any system, yet in his opinion if it could be got at, it was that species of property which of all others should contribute to the expenses of local government. In the practical application of the principle in the neighboring state, it was not felt to be of that character which was ascribed to it here; and he thought it a most just subject of taxation. An individual may be worth £100,000 in investments of different descriptions, and yet not constitute (sic) towards the improvement of the section of the country in which he may reside, more than the tax levied on the house in which he may live; and surely none would say that if such an individual could be reached, he should not contribute in proportion to his wealth.³⁰ With regard to the bill being inquisitorial, - if little or no benefit was to be derived from taxation, it would be almost as well not to impose taxes at all. The great obstacles to taxing income were, the folly and vanity of men, who were too often ashamed to give a candid statement of their affairs. Surely, however, if any one chose to make a return by which his income was made to appear greater than it was, he had no right to complain for being punished for his duplicity. He (Mr. Baldwin) would most cheerfully submit to such a tax, and should his income be found greater one year than another, although he might have more to pay, he would have more to pay it with.³¹ There were some instances in which the application would be difficult, and he was willing to admit that they should be guided in their legislation by the feeling of the people.³² The objectionable portion, his colleague (the Inspector General) had proposed to withdraw;³³ he was quite willing that they should lay over until another session, that the public mind might receive direction in forming an opinion upon them³⁴, although it might be in opposition to his own judgment.³⁵

MR. MORIN did not see how the measure, could bear unequally upon the people of two sections of the Province. It was not intended to raise taxes for the benefit of Lower Canada from the people of the Upper Province; it was only to introduce a better mode of assessment in Upper Canada. The people of Lower Canada, he could say, had paid money for local purposes - had paid well: all people must pay where they expect to derive

advantages from civil government; means must be provided for maintaining it, and the people must constitute (sic) to provide that maintenance. He regretted to see the popular voice frequently raised high, when any sacrifice was required for the support of a government; people did not seem to feel the necessity of a government, when they have to pay for it; or perhaps it was thought a government ought to supply itself. He regretted to see a petition presented a few days ago to the House from the county of Bellechasse, praying for education, but refusing directly or indirectly to pay for it; - (hear, hear.) - pleading poverty; but where these things are required by a people, they must learn that more sacrifice is demanded from them to obtain the object of their desires. With respect to the assessment of Lower Canada, some change in the system there was also required, as perhaps the system in Lower Canada was even more unjust than that in force in Upper Canada, as there was no discrimination in the value of property. In the bill which he should introduce, it was intended to remedy this, and to provide for the assessment of land according to its value: but he would say that assessment on moveables or income in Lower Canada would not be beneficial at the present moment. (Hear, hear, hear.) It should be borne in mind that the assessments were not for government but for local purposes, and if in Lower Canada the people would look upon such a measure as that before the House as inquisitorial, what injustice was there in allowing them to adopt some other mode of taxation? He did not see at present much necessity for raising money in Lower Canada, but when it was necessary, he had no doubt the necessity would be fully met. The measure which he would introduce would not be like the one before the House, it would be included in the municipal bill which would be laid on the table, and what more was wanted, than that the money necessary for local purposes in Lower Canada should be raised by local taxation, whether that was on land or on anything else. The assessment on land was the only mode hitherto adopted, and the people were not prepared for any departure from that mode, except so far as it was deemed necessary to equalize the assessment by directing it to be made on the value of the land.³⁶

MR. ((H.)) SHERWOOD said it was much to be regretted that the honorable Attorney General for Upper Canada, and the Inspector General had not manifested the same regard to the feelings and views, and the same respect for the prejudices of the inhabitants of Upper Canada, as the hon. gentleman who had just addressed the House, had towards the inhabitants of Lower Canada. No measure, he said, could be proposed, however unexceptionable in principle or valuable for the advantages it held out, if it had for its object the slightest change in the present condition of the laws of Lower Canada without meeting with most violent opposition from the members of that section of the Province, supported by the hon. gentlemen on the Treasury Benches. "Legislate," they say to the members of the government, "for the people of Upper Canada as much as you please: impose upon them such restrictions, burdens and taxes as you may think proper: alter their institutions even at the sacrifice of justice: change their laws, and we will support you: but meddle not with us: our institutions, laws and lan-

guage must not be interfered with, nor will the people we represent submit to taxation in any shape." That this was the understanding upon which the present government is conducted, he had a right to infer, not only from the speeches of hon. members, but also from the course of Legislation which had been pursued since the commencement of the present Session of Parliament up to that very day. The House had now been in Session nearly two months, and every measure, with scarcely any exception, which had been introduced by the government was confined in its provisions to Upper Canada.³⁷

MR. BALDWIN - the Secret Societies Bill, the Processions Bill, Public Meetings Bill.³⁸

Yes ((MR. H. SHERWOOD continued)), hon. gentlemen on the Treasury Benches may speak of these bills as general measures if they please: but what had this House been told? why that there did not exist a state of things in Lower Canada requiring such enactments, and were they not then intended for Upper Canada alone, although it had not been added as a clause that they should so apply? The object of these measures was well understood. But of the bills which had been introduced into that House, all were for Upper Canada, and some of them not only burdensome, but odious in their character. When the Municipal Bill and the objectionable measure now under discussion were brought in, the House was informed by the hon. gentlemen on the Treasury Benches, that similar bills would be introduced for Lower Canada, and though they had been repeatedly asked why those measures had not been laid before the House, and had been as repeatedly promised that they should be without delay, yet up to the present moment they were kept in total ignorance of what those hon. gentlemen intended to propose. The peculiar mode of legislation which had been adopted, and the extraordinary delay which had taken place in reference to the Lower Canada measures, were quite sufficient, in his judgment, to excite alarm and suspicion, and afforded grounds for him to ask the House to postpone the second reading of the Bill then before them to a future day in order to give an opportunity in the meantime to the members of the government to bring in the Assessment Bill which they intended to propose for Lower Canada. The suspicion that they were not dealing fairly towards Upper Canada was not confined to members of that House, but it was felt to a great extent throughout the country. The people of Upper Canada would submit cheerfully to a proper Assessment of their property, but they would not consent to unreasonable and unnecessary burdens, nor to such as the inhabitants of Lower Canada are not called upon to bear. It was notorious that in Upper Canada a large sum was annually raised by assessment upon the inhabitants for the Administration of justice - a sum not less in amount than £30,000, and it was equally notorious that the inhabitants of Lower Canada had not been taxed one farthing for that purpose; but that the large amount required for that object had since the Union been paid out of the general revenues of the Province; so that we in Upper Canada were not only taxed to defray the expenses of the administration of justice in Lower Canada, but had

been obliged in addition to pay one half of the sum required for that purpose in Lower Canada. Was this just in any sense of the term? Was it not, he asked, an imposition upon Upper Canada which the people would resist to the uttermost if not immediately discontinued? His anxiety to see the municipal law for Lower Canada as well as the Assessment law, was to ascertain whether by those measures the people of Lower Canada were hereafter to be compelled to pay for their own administration of justice by local Assessments, as the people of Upper Canada had been. If they were not, and if the amount was to be continued to be paid out of the general Revenues of the Province, he would resist the principle in any shape in which he could give it opposition. He (Mr. S.) would now make a few observations upon the character of the bill before the House. In its present form it was not only unjust, but odious in the extreme, and it had brought down upon the government the unqualified disapprobation of the whole country in which its obnoxious provisions were intended to apply. It was evident that the hon. gent. had discovered this, and that he was forced by the pressure from without to abandon, as he had declared he would, that part of his bill which referred to personal property. How any man or act of men could have supposed that the people of this Province would have tamely submitted, or even submitted at all, to the inquisition which that Bill established, he could not by possibility (sic) understand. Independent of the inquisitorial powers which were so highly objectionable, the burdens which it sought to impose would effectually check emigration and drive out of the country those respectable inhabitants with small incomes who had already settled here. The honorable Attorney General has said that the principle of taxing personal property was not a new one; that it had prevailed in England at a very early period; but he forgot to inform the House that it was a principle that had been resisted and effectually resisted three centuries ago. He had also said he could discover no objections to an Income tax. He must be aware that objections of the strongest character have existed and still do exist, to such a tax. In England it has never been resorted to except under the most pressing public exigencies, and then no minister of the Crown has dared to propose it in any other shape than as a mere temporary expedient. Here, however, ministers have not only dared to propose it as a permanent mode of taxation, but they have gone farther and proposed a system of Assessment by which everything necessary to our health, comfort, and existence is sought to be taxed; even the scanty wages of the poor and industrious laborer would be taxed if the bill passed in the shape it then stood. The hon. Attorney General had said the bill is not to impose Taxes, but merely to declare what property should be assessed which the people themselves might tax for local improvements. That might be a plausible mode of reasoning, but it was not sound reasoning. The very effect and object of the bill was to increase taxation, as must be clearly discerned when it is taken in connection with the Municipal Bill, which they had already under consideration. The taxes to be raised were for other objects besides local improvements. Before a single farthing could be raised for improvement of the roads, or other local purposes, a sum of money must first be raised to defray the expenses of the administration of justice; to pay the salaries of officers in this department

holding their situations at the pleasure of the Executive. Now, as he had already observed, he would not consent to such a tax unless it was also imposed upon Lower Canada. If the administration of justice is to be paid there out of the general revenues of the Province, let it be paid so here (Hear, hear.) Besides, there was another reason why the principle of assessment should be uniform throughout the whole Province. It is this. If in Upper Canada the inhabitants are taxed for objects other than local improvements, and they are not in Lower Canada, we shall be placed in a very disadvantageous position. That portion of the Province which suffers least by burthens of this description will be preferred by capitalists, as well as others, coming to settle among us. The hon. gentleman concluded by saying that after the remarks he had made, he would call the attention of hon. members from Lower Canada, and caution them to beware and not throw their weight into the scale against the views of a large majority of the people of Upper Canada, particularly upon a question of this kind. If partial legislation was to prevail; if Upper Canada was alone to be affected by the measure, he did not think the members from Lower Canada ought to interfere. Let the measure be general in its application, and then they would all stand upon the same footing; but when you make taxation partial, then that section of country which is exempt, which is unwilling to be taxed, ought not to have a voice in imposing burthens upon the other, and particularly against the wishes of a large majority of its inhabitants. However, he trusted those hon. gentlemen would, at any rate, support the motion he was about to make, for the reasons he had urged. It was, to postpone the second reading of this bill till Thursday next, the 23d instant. The principle of taxing property according to its real value, and not according to the anomalous plan now in use in Upper Canada, was one in which he concurred; and so far as the Bill in question would effect this, it would meet with his support.³⁹

(133)

The Honourable Mr. Sherwood moved, seconded by Mr. Cartwright, that the said Bill be read a second time, on Thursday next.

MR. MERRITT would support the principle of the measure, although he had objections to much of its detail. The alarm excited against the bill he thought was imaginary, as the taxes would be merely equalled instead of being increased. He would like to have seen the Bill framed upon the same system as prevailed in the United States. - It would then have given satisfaction. He (Mr. Merritt) was most decidedly opposed to taxing income, considering capital as the legitimate object for taxation. What taxes were raised, however, he would like to see expended where they were raised, and if the Lower Canada people could do without any system of assessment, let them.⁴⁰

MR. JOHNSTON objected to the measure generally, as oppressive and unjust, and entirely of a partial nature.⁴¹

MR AYLWIN hardly imagined that such a motion as that ((which)) was made by the hon. member for Toronto could have been proposed by any member of that House. The hon. member had referred to the suspicions which he entertained. Now what are those suspicions? That one portion of the people will be taxed and the other not. The hon. member may allay his suspicions upon this head. The hon. member had talked a good deal about clamors existing out of doors, but he should act without reference to those clamors. The simple question to be decided was this: have we the power of remedying any defects that now exist; and if so how can it be done? Let the House compose itself to the subject now before it. There is nothing new in the Bill now introduced; for the people of Upper Canada had their institutions and laws already in existence, and no person in Lower Canada had attempted to interfere with them in any way.⁴²

MR. ((H.)) SHERWOOD said "yes with the municipal Bill."⁴³

((MR. AYLWIN continued:)) With respect to the municipal Bill, Lower Canada had done all it could to prevent it passing into a law at the period when it was first introduced, and it was carried only by the casting vote of one member. The people of Lower Canada had not interfered with Upper Canada or her institutions; and that Bill did not suit Lower Canada, owing to the difference that existed in her usages and institutions. If it were introduced into the present Bill, to impose any burdens upon the people of Upper Canada and to exempt those of Lower Canada, then there might be some grounds for the objections urged against it. But this was not the case. It merely introduced a better system of local taxation for Upper Canada. The hon. member for the city of Toronto expressed a strong desire to se((e)) the bill intended for Lower Canada; and why was it so? He well knows that with reference to Lower Canada, all their wants are supplied by voluntary contributions or local taxation; and he surely will not tell us that all the organization of Lower Canada should cease. Has he any right to force the institutions of Upper Canada upon Lower Canada? Would they not have the same right to force theirs upon Upper Canada? Was it to be supposed that because the Union Bill had been passed, all the organization of Lower Canada must be altered? That in addition to all the acts of injustice that have been practiced upon her - acts of injustice admitted by all - that in addition to the payment of the interest of the debt of Upper Canada - that over and above all this, the system that has existed for years must be altered. The funds of Lower Canada were sufficient to pay the whole expences of the civil government, and leave 40,000 a year over, and yet all those advantages were to be thrown away, and they ((were)) soon to be compelled to adopt all the local institutions of the Upper Province, and to pay, besides, sums of money never undertaken to be paid at the time of the Union. When he was told that a large portion of the people of Upper Canada thought in this way he confessed he would not credit it. It was a libel, a gross and wanton libel upon them; there

may be a few of this description, whose feelings are worthily represented by some members of this House, but the great body of the people of Upper Canada are not so unjust and dishonest, as to call both for the payment of their debt, and also that Lower Canada shall be called upon to alert her institutions, and moreover that a burden should be imposed upon them for the local taxation of the Upper Province. If they did demand this, it would be a declaration upon that part of Upper Canada that they repudiated the Union Bill, (hear,hear,) and so how would Upper Canada then stand? Would they contend that Lower Canada should bear the burden imposed by the Union Act? He regretted the allusions made by the hon. members for Niagara and Toronto that they entertained suspicions in consequence of the bill for Lower Canada not having been as yet brought forward. He regretted those allusions because it might raise a feeling in the country, something like what was displayed by some half dozen members of this House. He would ask what grounds they had for the suspicions? Have any tricks or juggling been practiced by the government? Have not all its transactions been done openly? He was almost afraid that those who mentioned such suspicions, would practice the frauds they apprehended, if they had the opportunity; for honest men would not think of them. With reference to mere local matters, he should like to know what grounds there could be for any such suspicions. It was nothing to them whether the rate of assessment for building a church, or school house, or for making a road or bridge, was three pence or six pence in the pound. With reference to the expenditure of that part of the public money raised in Lower Canada, every member of this House had the means of knowing it to the last farthing.⁴⁴

MR. ((H.)) SHERWOOD "we know it".⁴⁵

((MR. AYLWIN continued:)) Then upon what are the suspicions of the hon. member founded? He knows the expenditure since the Union. Had any one told him that there was a desire or intention of increasing the amount? If so they have misinformed him. But he (Mr. A.) fancied that all the clamors were got up as bugbears, because a few individuals who were once upon the Treasury benches are there no longer; and for this reason all things are to be viewed with suspicion if anything new should be attempted. But when all things were allowed to stand pretty much as they were: when not a single farthing of additional taxation was to be imposed; was this the time for those suspicions? If the object of these attempts was to array one portion of the people of this province against the other, he hoped that those making them would be met as they deserved; for no lover of his country would desire to promote disunion. If such tricks were resorted to for this purpose, he hoped their authors would be reprobated from one end of the province to the other. The country had been long enough distracted; it now required repose and those hon. gentlemen would find that the clamors of one or two who think to serve their own political purposes by them, will meet with no response from the people. - They will, indeed, by persevering in such a course, call down

upon themselves the indignation and contempt of the country. He did not know what they would most deserve: they were scarcely worthy of indignation: their attempts merited contempt only. The legislation of this session will show that the country has been benefited (sic): this the people will feel and be satisfied with the results. The reproaches attempted to be thrown upon the Attorney General (West) will not meet with any response from the people. If good be done to them they will despise such allusions. It seemed to be a practice with some hon. members when any measures were brought forward relating to the local institutions of either section of the province, to try to get up a cry for universal legislation; but when anything bearing alike upon both is introduced, then the tactics are different, and they call for legislation for Upper Canada and Lower Canada distinctively: but the common sense of the people will enable them to see through these artifices, and frustrate their attempts to secure popularity at the expense of the country's good.⁴⁶

MR. CAMERON regretted the course the debate had taken. This was a question upon which there undoubtedly existed a good deal of feeling in the country. All the letters he had seen, and all the articles in the public press in opposition to the measure were based upon false views. The hon. member for Niagara had talked of unequal assessment. There was no doubt of the principle of the Bill being just: and the Attorney General, and other members of the government, seemed to have an inclination to press the details, but would allow them to be modified ... ((by)) the House in any way not inconsistent with the principle of the Bill. The country would get time to consider the measure, and when it was properly understood ... ((he)) thought there would be no objection to it. He did not see no (sic) other way the limitation of it to Upper Canada could be objectionable for it was merely a local matter; and if the people of the Upper Province could obtain good local government, he did not see how they could object, or regard themselves ... ((as)) losers, supposing Lower Canada should not have the same. A false impression seemed to exist that these measures would increase taxation. There was nothing of the sort introduced. It would add one farthing to the amount of taxes now levied. It merely proposes that the people in the different districts may tax themselves for their own local purposes, when (sic) a more equitable (sic) principle than that which now exists. The hon. member for Toronto had endeavored to mix up with this question one which was quite foreign to it. He asked i((f)) the expenses for the administration of justice in Upper Canada was to be defrayed from the ((lo))cal assessment, whether it would be so in Lower Canada? He did not think this was the time to ask that question. The proper time would be after the measure for Lower Canada was brought forward. Then it would be a matter for consideration; and he would be prepared to give his opinion upon it. He did not think that the people of Upper Canada would be satisfied that it should be paid out of the general revenues. There was an opinion abroad that this measure would increase the taxes. It would do no such thing.

He did not think that those hon. gentlemen who had spoken had taken the proper way to correct popular opinion which he thought had in many respects fallen into error upon the subject. The operation of the new act would not touch a single farmer in the country, but it would lead the merchant, the lawyer, and others of this Class to pay the proportionate share of local taxes. After the hon. member who introduced this bill had consented to postpone the part of it relating to personal property so that this House and the country might have more time to consider it. He (Mr C.) did not think there should have been a word said against it at present.⁴⁷

MR. BOULTON said that he had a strong objection to the system which was proposed, an objection which all the people of Upper Canada would feel. When the people of this section of the Province are called upon to pay local taxes for local purposes it was all right and fair, and it was true, as had been stated, that it was a matter of congratulation that we should raise them for such purposes, whether the other section of the Province did so or not; but it was no matter of congratulation to the people of Upper Canada, when taxing themselves, to find that the administration of justice should be paid out of these taxes, and that they don't mean to pass a similar law for Lower Canada.⁴⁸

MR. AYLWIN asked "who said so?"⁴⁹

He ((MR. BOULTON)) would be sorry to misrepresent any hon. member, but if he understood anything he understood this, that whereas we have always been in the habit of defraying these expenses out of the assessment, they have never been in the habit of doing so; and why was it so? Because they have assumed our debts, and paid them. Now, he (Mr. B.) denied that this was the fact, and he could prove that it was not. He would dare any member of this House to go to the hustings of any constituency of Upper Canada, and say "you pay all the expenses of law out of your local taxes, and in Lower Canada they are paid out of the general revenue; and that whilst I sit in the legislature I shall support this system." He did not believe that, if he did so, he would get a single vote. In Upper Canada few of the districts pay less than £1000 of local taxes, and the majority of them pay £3000, some of them so much as £6000; now he would say £2000 was a low average from this calculation, £40,000 was levied directly by local taxation upon Upper Canada, independently of the £20,000 raised by licenses of different sorts, and little of this goes to any other purpose save paying for the administration of justice, there was not 10 per cent of it went to any other purpose. Now, when we are called upon to pay this, and when his hon. and learned friend told them that they were to continue to do so, and that in Lower Canada they did not mean any such thing, he, for one, must protest against it. He never would agree to any such principle. He repudiated the idea, as much as any man could, of passing any law that would compel the people of Lower Canada to pay their local expenses, but he would take good care that we, of the Upper Province, should not pay five pounds to pay theirs.

Let the public chest be open to both. When £25,000 is taken out of the exchequer for the payment of public justice in Lower Canada, let a like sum be taken for the same purpose in Upper Canada. He would under these circumstances pay any tax that might be required for local improvements or expenses. He was not against taxation, he rather desired to be taxed. Let us be taxed for our own local benefit, and he did not care how heavily it was laid on.⁵⁰

Hon. MR. HINCKS felt it unnecessary to offer any further observations in support of the Bill now under consideration, as its principle had been supported by almost every hon. member who addressed the House, but a discussion had grown out of it, in the course of which, questions having nothing whatever to do with the measure, had engaged a great deal of attention. After the speeches that had been made by the hon. and learned member for Toronto (Mr. Sherwood) and the hon. and learned member for Niagara (Mr. Boulton) cheered as they were, he was bound to admit, by many hon. members from Upper Canada, he (Mr. H.) felt that he would not be doing his duty if he did not stand forward and express his views on those subjects, freely, openly and fearlessly. He did not think that it would be dealing fairly with hon. gentlemen, if there should be the slightest concealment on the subject, and for his own part he was most anxious that his opinions should be known, and if the opinions expressed by the hon. gentlemen to whom he had referred, were those of the people of Upper Canada, all that he (Mr. H.) could say was, that he would no longer desire to take any part in the politics of the country. He confessed, that as an Upper Canadian, he felt ashamed that his hon. friends from Lower Canada should have heard such sentiments as had been expressed during this debate, attributed to the people of Upper Canada. The tendency of all these discussions was to create a jealousy between the two Provinces, and to induce the people of Upper Canada to believe that justice is not done them. Now he challenged the hon. and learned member for Toronto to bring forward his motion for a return of the expenditure in the two sections of the Province. As to the balance of accounts, leaving the public debt altogether out of consideration, he (Mr. H.) affirmed that it was the Lower Canadians who had a right to complain. With regard to the paltry amount (for paltry it was, compared with the engagements of Upper Canada) which was expended for the administration of justice in Lower Canada, and which was now bro't forward to set the people of Lower Canada against those of Upper Canada; he would observe, that when the amount paid for similar services in Upper Canada was deducted, there would be a charge of about £13,000 a year. Let us consider the circumstances under which this charge was fixed on the Consolidated Revenue Fund. It was notorious that prior to the Union, all the charges for the administration of justice in Lower Canada, as well as all other expenses of the Government, were paid out of the public revenue, and after defraying these charges, there was an annual surplus of £90,000 per annum for schools and public improvements. Such was the state of things when the Union was forced by Upper Canada upon the people of Lower Canada.⁵¹

No, no, yes, yes - uproar.⁵²

((MR. HINCKS:)) He (Mr. H.) contended that the Union had been carried against the wishes of the people of Lower Canada, and with the concurrence of the Legislature of Upper Canada. The charge for the administration of justice in Lower Canada was as much one of the conditions of the Union as the debt itself. When the Civil List was established, these charges were put upon it, and if not with the direct consent of the Legislature of Upper Canada, most assuredly it was their own fault that they were not better informed. It was perfectly well known when the Union was agreed to, that Lower Canada had no system of local taxation, and that these charges had always been paid out of the general revenue. Hon. gentlemen should have reflected upon this subject before the Union, instead of making demands now which would render it necessary to change all the institutions of Lower Canada. A great deal had been said about our public works, and it was the custom of hon. gentlemen to speak of the debt as if it had all been contracted for works which were a good investment, and which would bring in a large revenue. What would hon. gentlemen say when they heard that large portions of this debt had been expended in such a way that they could not by ((any)) possibility bring in a return. He might refer to the ... Burlington Bay Canal which would have to be reconstructed; to the Harbor at Port Stanley; to the Desjardan's canal, to the war house, to the money expended on roads, and indeed to many other items which were already thrown as a burden upon Lower Canada. But there were other payments made annually from the Consolidated Revenue Fund for Upper Canada, against which there was no corresponding payment in Lower Canada. - He might refer to the Militia Pensions, the charges for the maintenance of Light Houses, Indian Annuities, and other charges of which Lower Canada might complain. The charges for the local administration of justice were much larger in Upper Canada than in Lower Canada, because the former had numerous districts formed at the request of the people, and in the spirit of equal justice that pervaded the minds of some hon. gentlemen, he (Mr.H.) had no doubt that it would be proposed that as the Lower Canada administration of justice cost the Province about £12,000, the Upper Canada charge amounting to perhaps £40,000, should be paid out of the public revenue. - The Bill now before the House had nothing whatever to do with this question - it authorizes no new taxes. We have already agreed to a Municipal Bill, which gives extensive powers of taxation, but this Assessment Bill merely provides a mode of raising the taxes, which will be more equitable than the present; and yet the moment we propose to touch the old system, or to modify it upon principles which all agree to be equitable, we are met with this question of Lower Canada taxation, which has nothing whatever to do with it. The hon. and learned member for S. Northumberland admits the necessity for a change in the Assessment law, and approves of the principle of the Bill, but he would let it lie over till next Session. - He (Mr. H.) really did not exactly understand the hon. member. This was now the third Session of a Parliament which was to last 4 years, and we were to postpone the repeal of a law

admitted to be bad until our last Session. He (Mr. H.) could see no reason whatever for delay. The hon. and learned member for Toronto had represented this Bill as one that would make the people feel taxation pressing harder on them than before. He (Mr. H.) would challenge that hon. gentleman to point out how it could have such an effect. It would doubtless bear harder upon some, but it would be on those possessed of large property, and whatever was taken from them would go to relieve the poorer classes. He had heard a great deal about public opinion being against this bill. He denied that such was the case. The classes most affected by it were those whose clamor was heard, but the mass of the people approved of the Bill. As to the administration of justice, as he had already stated, it was one of the consequences of the Union Act, and the arrangement could not be disturbed without reopening the question of debt and all the other points in dispute.⁵³

MR. WILLIAMS was glad the most odious part of the bill had been withdrawn. He did not think it wholly a bad measure, indeed he highly approved of a part of it. But he would not agree to any tax being placed upon Upper Canada that would not fall equally upon Lower Canada.⁵⁴ In Upper Canada, five-sixths of the amount raised by assessment went to defray the administration of justice, while in Lower Canada it was paid for out of the public revenue. He (Mr. Williams) claimed for Upper Canada, to be put on an equal footing in this particular.⁵⁵ He would therefore support the motion.⁵⁶

MR. WAKEFIELD felt much difficulty as the representative of a Lower Canadian constituency in deciding upon the measure now before the House. He could not help expressing his belief that if this, or any other measure, was carried against the wishes of the majority composed of Lower Canadian members, that a disastrous state of feeling would be the consequence. It was with that feeling that he voted as he did upon the Game Bill recently before the House, because he had reason to believe it would be popular in Upper Canada. On the same principle he should regret to see this or any other measure carried by means of votes from that section of the Province alone. With these feelings he felt he could not vote at all; because he did not know the feelings of the Upper Canadian members. He thought the Government should take some means of knowing the feelings of the majority of the members of Upper Canada, upon such a question as this which peculiarly affected their interests alone. This system was followed in England. When any questions peculiarly relating to Scotland arose in that Legislature, it was the invariable practice of the Government to consult with the Scottish members without any reference to those of England or Wales, and by this means measures peculiarly Scottish were carried so as to give satisfaction to that section of the empire. He considered that it would be desirable to introduce the same principle in conducting affairs here. He had already expressed this opinion - that it behoves statesmen to know the opinions of members from both section of the Province upon any question which peculiarly pertains to the one more than the other, so that they could give

satisfaction to the one party and not offend the other. He hoped time would be given to ascertain the opinions of the members from Upper Canada, and he hoped the Lower Canadian members would abstain from casting their weight against the motion now before the House.⁵⁷

MR. ROBLIN said that all the members of the House, who had spoken, had spoken in favor of the principle of the Bill; yet he might say that he would vote against it; and why would he do so? because there was a question still behind the curtain - the Bill relating to the assessment of Lower Canada had not yet been brought forward. He, for one, was in favor of having the administration of justice on the same footing for both sections of the Province. This Bill, however, did not impose a tax upon the people as had been erroneously supposed. It merely lays down a system by which the people may raise the necessary taxes for their own local purposes; and it rests with the people themselves whether it shall be high or low. It proposes to tax property according to its actual value, and not according to any nominal value; but it does not say "you shall lay on that tax." The Municipal Bill, however, gives the power of levying something for local expenses, and for the administration of justice; and a plan was now proposed by which this may be done. Much had been said in certain quarters about encreasing the taxes, and this being "cold comfort at the beginning of winter." Well, if they are so much afraid of incurring the tax, the people of Lower Canada had as much reason to be afraid of introducing it.⁵⁸

MR. MURNEY thought the present discussion, which had been designated as arraying the people of Upper Canada against those of Lower Canada, had arisen from the members on the treasury benches. The complaints now were not the first that had been made against partial legislation. He thought, that, before this Bill was passed, the measure for Lower Canada should be brought forward. He repelled the charge, so often repeated, of arraying the people of Lower Canada against those of the Upper Province. He had voted against the Union, but now that it had passed into a law, he would lend his assistance in making it work as well as possible. But in his opinion, a line would be drawn whilst a species of legislation was adopted for the one, and not for the other. He could not see why a general assessment measure would not suit both. The member for Toronto had asked that this measure should be delayed till Thursday, and how was he met? He was met in a spirit of opposition. The hon. member for Prince Edward had said that although he liked the principle of the Bill, he would not vote for it unless the expenses for the administration of justice were placed upon the same basis; well then let him vote for the motion before the House. He (Mr. M.) could speak with confidence with respect to the feelings of the people about the administration of justice. His opponents, at the recent election for Hastings, denied that there was an unequal system of taxation for the administration of justice (sic), and stated that if it was so they would not support any Assessment Bill. He did not think that the delay

now asked should be denied.⁵⁹

CAPTAIN STEELE deprecated the feeling that had been manifested in this debate which, he thought, had been excited by the Solicitor General East. The temper and calmness with which the hon. members from Niagara and Toronto had discussed the question, did not call for it. He had heard with considerable pain the intemperate language used by the hon. member for Oxford; and when he heard him charging them with injustice, he would not sit to allow him to do so. Had that hon. member commenced as he finished, he should not have troubled the House with any observations; but it was too much the practice that when members think themselves right, they cannot bear opposition. He did not distrust the sincerity of the hon. gentlemen when they say that they are about to introduce a measure similar to this for Lower Canada, and he could not therefore vote for the amendment.⁶⁰

MR. CARTWRIGHT supported the amendment for the very reason that the hon. member for Simcoe opposed it. The hon. member for Prince Edward had stated that they had a Municipal Bill by which those appointed as a Council, had the power of taxing the people. The fears of the people of Upper Canada are, that this Bill was one of a series of measures passed this Session that would press heavily upon them. - Does any one suppose that taxation would not be increased? If such a one would look at the Municipal Bill, he would find that one of the first things to be done is to raise a tax for the administration of justice. The majority of the members of Upper Canada were opposed to this measure, and they wanted time to consider it.⁶¹

Hon. MR. BALDWIN had not understood any member who had spoken, but as expressing a decided opinion in favor of the principle of the measure - that real and personal property should be assessed according to its actual, instead of any nominal, value. The hon. member for Oxford had stated, in his introductory speech, that he was willing to modify the details so as to render them agreeable to the House; now after this, and after the principle of the Bill was concurred in, it was strange that this delay should be asked. Even the hon. and learned member for the city of Toronto agreed to the principle - that personal and real property should be assessed at its actual value - and when all think it a good principle, why should it not be passed? But if longer time be requested by the House, there can be no desire upon the part of the Administration not to allow it. There was another observation which he would make, that should serve as an answer to the complaints of hon. members, that the Bill relating to Lower Canada had not yet been brought forward. Hon. gentlemen should recollect that whilst there are in the Administration seven members from Upper Canada, but four of his colleagues are connected with Lower Canada; and there should be some degree of indulgence granted, with respect to time, to enable them to bring down this measure. But indeed the complaint most generally made was about over legislation, instead

of their not doing enough.⁶²

MR. MORIN said that he had the charge of onerous duties connected with his department, which prevented him from coming forward with this measure as soon as he could have wished, but that he would lose no time in doing so. He thought, however, that he had, upon a former occasion stated plainly that it was not his intention to pay the administration of justice out of the local tax; but the Bill he would have the honor of introducing, would be a Bill to tax for local purposes.⁶³

MR. SHERWOOD certainly had not before heard the admission. If Lower Canada was wronged, let them come forward with a bill seeking redress, and let the money which they complain of having been taken from them be returned; but let it not be taken from them in dribblets every year. He hoped the motion now before the House would be granted.⁶⁴

(133)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs BERTHELOT, BOULTON, CARTWRIGHT, CHESLEY, DUGGAN, FORBES, JOHNSTON, MCLEAN, MURNEY, NOEL, HENRY SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, WILLIAMS, and WOODS.--(17.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, CRANE, DALY, DERBISHIRE, DE WITT, FOSTER, HINCKS, HOLMES, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, D. MCDONALD, MOORE, MORIN, PAPINEAU, PARKE, QUESNEL, ROBLIN, HARMANNUS SMITH, TACHE, TURCOTTE, D. B. VIGER, and L. M. VIGER--(34.)

So it passed in the Negative.

The Question being then put upon the main motion, the House divided thereon, and the names being called for, they were taken down, as followeth:

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, DALY, DERBISHIRE, DE WITT, FOSTER, HINCKS, HOLMES, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, D. MCDONALD, MOORE, MORIN, PAPINEAU, PARKE, QUESNEL, ROBLIN, HARMANNUS SMITH, TACHE, TURCOTTE, D. B. VIGER, and L. M. VIGER.--(35.)

NAYS.

Messieurs CARTWRIGHT, CHESLEY, DUGGAN, FORBES, JOHNSTON, MCLEAN, MURNEY, NOEL, HENRY SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, STEELE, STEWART, WILLIAMS and WOODS.--(15.)

So it was carried in the affirmative, and

The said Bill was, according to order, read a second time, and committed to a Committee of the whole House, on Thursday next.

Timber Inspection Bill.

Ordered, That the Order of the day for the House in Committee on the Bill to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, and other articles of a like nature, be postponed until to-morrow, and that it be then the first Order of the day.

Orders postponed.

Ordered, That the remaining Orders of the day be postponed until to-morrow.

*Then on motion of the Honourable Mr. Attorney General Baldwin, seconded by the Honourable Mr. Attorney General Lafontaine,
The House adjourned.*

FOOTNOTES - 16 NOVEMBER 1843.

1. The debate on this matter was reported in: LA MINERVE, 23 November 1843; and L'AURORE, 23 November 1843.
2. LA MINERVE, 23 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. KINGSTON CHRONICLE, 18 November 1843.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. ST. CATHARINES JOURNAL, 7 December 1843.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. The debate on this matter was reported in: LA MINERVE, 23 November 1843; BRITISH COLONIST, 21 November 1843, in an account identical to that of MONTREAL GAZETTE, 23 November 1843; KINGSTON CHRONICLE, 18, 22 November 1843; and MONTREAL TRANSCRIPT, 25 November 1843. Commentaries are found in: LA MINERVE, 23 November 1843, copied by LE CANADIEN, 27 November 1843, and L'AURORE, 25 November 1843; and in the MONTREAL TRANSCRIPT, 25 November 1843.
19. KINGSTON CHRONICLE, 22 November 1843.
20. BRITISH COLONIST, 21 November 1843.
21. KINGSTON CHRONICLE, 22 November 1843.
22. KINGSTON CHRONICLE, 18 November 1843.
23. BRITISH COLONIST, 21 November 1843.
24. KINGSTON CHRONICLE, 18 November 1843.
25. BRITISH COLONIST, 21 November 1843.
26. KINGSTON CHRONICLE, 18 November 1843.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. BRITISH COLONIST, 21 November 1843.
32. KINGSTON CHRONICLE, 18 November 1843.
33. BRITISH COLONIST, 21 November 1843.
34. KINGSTON CHRONICLE, 18 November 1843.
35. BRITISH COLONIST, 21 November 1843.
36. KINGSTON CHRONICLE, 18 November 1843.
37. KINGSTON CHRONICLE, 22 November 1843.
38. IBID.
39. IBID.
40. BRITISH COLONIST, 21 November 1843.
41. IBID.

42. KINGSTON CHRONICLE, 22 November 1843.
43. IBID.
44. IBID.
45. IBID.
46. IBID.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. IBID.
52. IBID.
53. IBID.
54. IBID.
55. BRITISH COLONIST, 21 November 1843.
56. KINGSTON CHRONICLE, 22 November 1843.
57. IBID.
58. IBID.
59. IBID.
60. IBID.
61. IBID.
62. IBID.
63. IBID.
64. IBID.

FRIDAY, 17 NOVEMBER 1843.¹

(133)

Two Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By the Honourable Mr. Jones--The Petition of P. P. Russell and others, inhabitants of the Parish of St. Armand, West, and its vicinity.

By Mr. Cartwright--The Petition of the Reverend John Cook and others, Inhabitants of the City of Quebec, and its vicinity.

Montreal Water
Works.

An Engrossed Bill to authorize the Mayor, Aldermen, and Citizens of Montreal, to purchase, acquire, and hold, the property now known as the Montreal Water works, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Holmes do carry the said Bill to the Legislative Council, and desire their concurrence.

Les Dames
Religieuses &c.
Bill.

An Engrossed Bill to incorporate Les Dames Religieuses du Sacré Coeur de Jésus, of the Parish of St. Jacques de L'Achigan, in the District of Montreal, for the purposes of Education, was read for the third time.

Resolved, That the Bill do pass, and the title be "An Act to incorporate Les Dames Religieuses du Sacré Coeur de Jésus of the Parish of Saint Jacques de L'Achigan, in the District of Montreal, for the purposes of Education."

Ordered, That Mr. Quesnel do carry the said Bill to the Legislative Council, and desire their concurrence.

Game Bill.

An Engrossed Bill for the preservation of Deer, and other Game within this Province, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to prohibit the hunting and killing of Deer and other Game within this Province, at certain seasons of the year."

Ordered, That Mr. Prince do carry the said Bill to the Legislative Council, and desire their concurrence.

River Boyer Bridge.

An Engrossed Bill to renew, and continue for a certain time, the privileges granted by a certain Act of Lower Canada therein mentioned, to Alexis Gosselin and his heirs or Assigns, with regard to a certain Bridge over the River Boyer, in the County of Bellechasse, was read for the third time.

Resolved, That the Bill do pass, and the title be "An Act to renew and continue for a certain time, the privileges granted by a certain Act of Lower Canada therein mentioned, to Alexis Gosselin, and his heirs and Assigns, with regard to a certain Bridge over the River Boyer, in the County of Bellechasse."

Ordered, That Mr. Taché do carry the said Bill to the Legislative Council, and desire their concurrence.

Returns of
Process Bill.

An Engrossed Bill to render more summary, the means of enforcing the returns of process by Sheriffs and Coroners, in that part of this

Province called Upper Canada, was read for the third time.

Resolved, That the said Bill do pass.

Ordered, That Mr. Price do carry the said Bill to the Legislative Council, and desire their concurrence.

Common Schools
Indemnity Bill.

An Engrossed Bill, to repeal the Act now in force for the establishment and maintenance of Common Schools, and to grant an indemnity for the

payment of certain portions of the School Monies, for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of said monies, for the

(134)

years one thousand eight hundred and forty-two, and one thousand eight hundred and forty three, was read for the third time,

Resolved, That the said Bill do pass, and the title be, "An Act to repeal the Act now in force for the establishment and maintenance of Common Schools, and to establish a Fund for the support of the same; and also to grant an indemnity for the payment of certain portions of the School Monies, for the year one thousand eight hundred and forty two, and further to provide for the apportionment, and distribution of the balance of the said moneys, for the years one thousand eight hundred and forty-two and one thousand eight hundred and forty-three."

Ordered, That the Honourable Mr. Morin, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Andrew Holmes and others, Presbyterians in connection with the Synod of Canada, of South Gower, Mountain and Oxford; praying that the Bill for the management of the Temporalities of the Presbyterian Church, in Canada, may not be passed.

Of the Municipal Council of the Western District; praying for authority to cut water courses through private property, in the construction of public Roads, in the said District.

Of Sir Henry J. Caldwell and others, Merchants, of Quebec; praying for the passing of a Law, to regulate the measurement and culling of Lumber, in the Port of Quebec.

Of Joseph Donegani of Montreal, Merchant; praying for Legislative confirmation of the Provincial Act of Lower Canada, 1st. Will. 4. Cap. 53, respecting Aliens, and that the Petitioners title to certain property, as well as that of others similarly situated, may be quieted.

Petitions re-
ferred. Jos.
Donegani.

Resolved, That the Petition of Joseph Donegani,
of Montreal, Merchant, be referred to a
Select Committee, composed of the Honourable
Mr. Solicitor General Aylwin, the Honourable

Mr. Viger, Mr. Jobin, Mr. Holmes, Mr. Simpson, Mr. Judah, and Mr.
Hamilton, to examine the contents thereof and to report thereon from time
to time with power to send for persons, papers, and records.

H. J. Caldwell
and others.

Ordered, That the Petition of Sir Henry J.
Caldwell and others, Merchants of Quebec, be
referred to the Committee of the whole House
on the Bill to regulate the inspection and measurement of Timber, Masts,
Spars, Deals, and other articles of a like nature, and other References.

On motion of the Honourable Mr. Attorney General Lafontaine,
seconded by Mr. Child,

Census Bill,
Lower Canada.

Ordered,--That the amendments made by the
Legislative Council, to the Bill intituled "An
Act for taking the Census of the Inhabitants
of Lower Canada, and for obtaining certain Statistical information
therein mentioned," be now taken into consideration.

The House proceeded, accordingly, to take the said amendments into
consideration.

And the said amendments were read, and are as followeth:--

Press 1. Line 22.--After "more" insert "competent."

" " Line 45.--After "employ any" insert "professional man."

" " Line 46.--After "other" insert "competent."

Press 2. Line 11.--Leave out "of."

" " Line 16.--After "manner" insert "on the oath of at least one
credible witness, other than the informer."

" " Line 23.--Leave out "the" and insert "every"

" " Line 40.--Leave out "said."

" " Line 41.--Leave out "May" and insert "June."

" " Line 45.--Leave out "other."

Press 4. Line 6.--After "annexed" insert "in the English and French
Languages."

SCHEDULE A.

Press 5. Line 30.--Leave out from "Male" to "upwards" in Press 6, Line 4,
inclusively, and insert.

NUMBER OF PERSONS IN EACH FAMILY.

Male.	One year of age, and under.
Female.	
Male.	One year, and under two.
Female.	
Male.	Two years, and under three.
Female	
Male.	Three years, and under four.
Female.	
Male.	Four years, and under five.
Female.	
Male.	Five years, and under ten.
Female.	
Male.	Ten years, and under fifteen.
Female.	
Single.	Male. Fifteen years, and under twenty-one.
Married.	
Single.	Female.
Married.	
Single.	Male. Twenty-one years, and under thirty years.
Married.	
Single.	Female.
Married.	
Single.	Male. Thirty years, and under forty years.
Married.	
Single.	Female.
Married.	
Single.	Male. Forty years, and under fifty years.
Married.	
Single.	Female.
Married.	
Single.	Male. Fifty years, and under sixty years.
Married.	
Single.	Female.
Married.	
Single.	Male. Sixty years, and upwards.
Married.	
Single.	Female.
Married.	

(135)

SCHEDULE C.

Press 8. Lines 31 and 32.--After "Warden" insert "or professional man."

And the said amendments being again read, they were agreed to by the House.

Ordered, That the Honourable Mr. Attorney General Lafontaine, do carry back the said Bill to the Legislative Council, and acquaint their Honours, that this House hath agreed to their amendments.

Jurors' Bill,
Lower Canada.

Ordered, That the Honourable Mr. Attorney General Lafontaine, have leave to bring in a Bill to regulate the qualification and summoning of Jurors, in Civil and Criminal matters, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Notarial Pro-
fession, L. C.

Ordered, That the Honourable Mr. Attorney General Lafontaine, have leave to bring in a Bill to regulate the Notarial Profession, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

Address on
Assessment and
local Taxation
&c.

The Honourable Mr. Sherwood moved, seconded by Mr. Murney, That an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House; Returns for the year

1842, of the aggregate amount levied by assessment and local taxation, levied on the inhabitants of Upper Canada, and expended for the local administration of Criminal justice, support of gaols, carrying prisoners to the Penitentiary, and other local purposes, as exhibited by the Assessment Bills for the year; Also returns for the year 1842, of the expenses of supporting Gaols, &c., of carrying prisoners to Gaol or to the Penitentiary, of sums paid to the Sheriffs, and other expenses (excepting the salaries of Judges) attending the administration of Justice, in Lower Canada, distinguishing those incurred in the several Courts of Supreme Jurisdiction, in the different Courts of Quarter Sessions, and upon proceedings before Justices of the Peace, not in Sessions in Lower Canada; and also returns of the sums expended out of the public Revenues, in Lower Canada, in the year 1842, on Highways and Bridges, Charitable establishments or uses, Hospitals or Lunatic Asylums, under the authority of any Law, Ordinance, or practice in force, before the Union of the Provinces; and also a Return of all sums raised by local taxation for any of the foregoing purposes, in Lower Canada, or paid, otherwise than raised, out of the General Revenues.

The Honourable Mr. Attorney General Baldwin moved in amendment, seconded by the Honourable Mr. Hincks, That all the words after "That" in the said motion, be struck out, and the following substituted, "An humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, Returns for the year 1842, of the aggregate amount levied for Assessment and local taxation on the Inhabitants of Upper Canada, and expended for the local administration of Criminal Justice, support of Gaols, and carrying prisoners to the Penitentiary; also, Returns for the year 1842, of the expenses of supporting Gaols, and of carrying Prisoners to

*Gaol or to the Penitentiary--of sums paid to Sheriffs and other expenses (excepting the salaries of Judges) attending the Administration of Justice in Lower Canada; and also, Returns of the sums expended out of the public Revenues in both sections of the Province, in the year 1842, on Highways and Bridges, Literary or Charitable Establishments or uses, Hospitals or Lunatic Asylums; and also, a Return of the amount paid during the same year to make up the deficiency of the Salaries of Judges, and Clerks of District and Division Courts, in each of the Divisions of the Province; also, a Return of the Militia Pensions paid during the same year, in each of the divisions of the Province; also, the amount paid by the Imperial Government on account of Indian annuities in both Divisions of the Province; also, the amount paid for the support of Light Houses over and above the amount of Tonnage dues, out of the Public Revenue, in each of the divisions of the Province; and also, the names of all persons employed in the several Departments of the Executive Government, and paid out of the Civil List; and the names of all Officers in the Crown Lands and Surveyor General's Departments, specifying the amount of salary paid to each, and stating whether they are of British or French Canadian origin."*²

MR. ((HENRY)) SHERWOOD said, that a precedent of this kind could not be shown in the Imperial Parliament, of a minister amending a motion for information in this way. The proceeding of the Attorney General (West,) was evidently with the intention of defeating the motion, and moulding the return exactly to suit the government. This was evidently to sustain the position of the Inspector General in the debate of yesterday, in which he had assumed that Lower Canada had been in effect impoverished and unfairly dealt with by the Union. The government however, had a majority, and would no doubt carry the amendment. Such an exercise of arbitrary power, by means of numbers, rendered abortive any attempt at upright and independent legislation on the part of the House. It was no doubt one of the many schemes of the hon. Inspector General, but he (Mr. Sherwood) would persevere, and bring forward a similar motion again.³

MR. VIGER said, that the hon. member had complained of his motion being perverted, and of the government acting partially. If he would consider however for a moment, he would find that it was he himself, ((who)) was the person who might be charged with partiality, for he wanted information only on one side.⁴

CAPTAIN STEELE was surprised that the Attorney General should have amended the motion as he had done. Notwithstanding what the hon. and learned gentleman had so often said about "equal justice", the people of Upper Canada were not so dull as not to see through the manoeuvre. Certain information had been asked for, that was important, - and the application had been clogged in such a manner as to defeat the intent. They would however, persist until the object had been attained.⁵

MR. WAKEFIELD said, that it was a common practice in the House of Commons when returns were called for, for the government to add to the motion for such further information as they thought ought to be given.⁶

MR. HINCKS said, the return was for certain charges upon the revenue in Lower Canada, and the government merely wished that the same should be added that were charged on it in Upper Canada. As to any insinuations about "schemes" he (the Inspector General) was perfectly regardless of them. All that was desired by the government was, that the motion should be made a fair one.⁷

(135)

The question having been put upon the said motion of amendment, a division ensued, and it was carried in the affirmative.

The question being then put upon the main motion, as amended, it was agreed to unanimously, and

Resolved, Accordingly.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

On motion of Mr. Cartwright, seconded by Mr. Christie,

Marriage Licenses.

Resolved, That an humble Address be presented to

His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House a copy of the Minute or Minutes of the Honourable the Executive Council, on the Report of the Honourable the Inspector General, on the Marriage License Fee Fund, respecting its future disposition, or so much thereof, or such other information respecting the Fees on Marriage Licenses, as His Excellency may be disposed to communicate to this House.

Ordered, That the said Address be presented to His Excellency, the Governor General, by such Members of this House as are of the Honourable the Executive Council of this Province.

Message from
Leg. Council.

A Message from the Legislative Council, by John Jennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

Mercantile Library
Association Bill.

The Legislative Council have passed the Bill, intituled "An Act to incorporate the Members of the Mercantile Library Association of Montreal,"

without any amendment.

And then he withdrew.

Lands of Bishop
of Montreal.

Ordered, That the Honourable Mr. Morin have leave to bring in a Bill to confer certain powers on the Bishop of Montreal, in the transfer of certain Lands.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Adjournment.

Ordered, That when this House doth adjourn, it will adjourn until to-morrow, at ten o'clock, A. M.

Orders of Day postponed.

Ordered, That the Order of the day for the House in Committee on the Bill to relieve the Shareholders of the several Banks therein mentioned, from liability, beyond the amount of the Shares subscribed, and

(136)

for that purpose to amend the several Acts creating such liabilities; The Order of the day for the House in Committee to consider the expediency of amending a certain Act of the Parliament of Upper Canada, passed in the 7th year of the Reign of His late Majesty William IV, intituled "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned;" and also a certain other Act of the Parliament of Upper Canada, passed in the 4th and 5th years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by private Parties in the Welland Canal, to be purchased on behalf of the Province;" and the Order of the Day for the House in Committee on the Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue, be postponed until to-morrow.--The Order of the Day for the Second Reading of the Bill for the better division of that part of this Province called Upper Canada, into Counties, for abolishing the Territorial Division thereof into Districts, and providing for the temporary unions of Counties, for Judicial and other purposes, and the future dissolution of such unions, as the increase of population may require. The Order of the Day for the House in Committee on the Bill to provide for the incorporation of Townships, Towns, Counties, and Cities, in Upper Canada, be postponed until Monday next. The Order of the Day for the Second Reading of the Engrossed Bill from the Legislative Council, intituled "An Act to repeal an Ordinance of Lower Canada, intituled "An Ordinance concerning Bankrupts, and the administration and distribution of their Estates and Effects," and to make provision for the same object throughout the Province of Canada;" and the Order of the Day for the Second Reading of the Bill to facilitate the proof of the Laws of Upper and Lower Canada, and to declare Protest of Notaries Public, Evidence in certain cases in Upper Canada; be postponed until Wednesday next. The Order of the Day for the House in Committee on the Bill, to afford relief in certain cases to Sellers of Real Estate in Canada West; and the Order of the Day for the further consideration of the motion "That two hundred copies of the Message of His Excellency, the Governor General, accompanied with Returns of Appointments in Lower Canada, from the division of the Province of Quebec, in 1791, into the Provinces of Upper and Lower Canada, to the Union of

those Provinces, and other Documents relating thereto, presented to the House on the twenty-seventh of October last in reply to an Address of the House of the twenty-seventh of September, 1842; and also, of the Tabular Return of the Departments of the Executive Government for the years 1840, 1841, and 1842, laid before the House on the same day, by command of His Excellency, the Governor General, in compliance with another Address of the twenty-seventh September, 1842, be printed in each of the English and French Languages, for the use of the Members of this House," be postponed until Friday next.

Ordered, That the Order of the day for the second reading of the Bill for the establishment of a better Court of Appeals in Lower Canada; the Order of the day for the second reading of the Bill to provide for the summary trial of Small Causes in Lower Canada; and the Order of the day for the second reading of the Bill to establish the District of Gaspé, and to provide for the due administration of Justice therein, be postponed until to-morrow.

Road, Coteau
du Lac.

The Order of the day for the second reading of a Bill for the opening of a Road from Coteau du Lac to Dundas street, through the third Concession

of Lancaster, being read,

Ordered, That the said Bill be read a second time on Tuesday next.

Canada Inland
Insurance
Company.

The Order of the day for the second reading of the Bill to authorize the Chairman of the Committee of the Canada Inland Forwarding and Insurance Company, to sue for and recover debts due to the

said Company, being read,

Ordered, That the said Bill be read a second time to-morrow.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Indian Lands.

Return to an Address from the House of Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to direct the proper Officer to communicate, for their information, copies of two Petitions filed in the office of the Executive Council,--the one from James Little and others, and the other from the Chiefs and Sachems of the Six Nations Indians, residing on the Grand River Tract,--both relating to Indian Lands.

By Command,

D. Daly,
Secretary.

Secretary's Office,
November, 1843.

(The said Return is printed in the Appendix to the Report of the Select Committee appointed to take into consideration the system of granting Indian Lands in the Niagara and Gore Districts.)

(See Appendix M. M.)

La Congregation
de Notre Dame de
Quebec.

The Order of the day for the second reading of the Bill to Incorporate the Association called "La Congregation de Notre Dame de Quebec," being read,

The said Bill was, accordingly, read and ordered to be engrossed.

Education So-
cieté Quebec.

The Order of the day for the second reading of the Bill to Incorporate the Education Society of the District of Quebec, being read,

The said Bill was, accordingly read, and referred to a Select Committee, composed of Mr. Chabot, the Honourable Mr. Neilson, the Honourable Mr. Black, Mr. Berthelot, and Mr. Taché, to report thereon with all convenient speed with power to send for persons, papers, and records.

Church Society
Quebec.

The Order of the day for the second reading of the Bill to Incorporate the Church Society of the Diocese of Quebec, being read,

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Hale, the Honourable Mr. Black, the Honourable Mr. Neilson, Mr. Stewart, and Mr. Christie, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Certain official
Acts Bill.

The Order of the day for the second reading of the Bill to confirm and make valid certain official Acts in the offices of Registrar, Clerk of the Peace, Clerk of the District Court, and Registrar of the Surrogate Court, in and for the District of Ottawa, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Timber Bill.

The Order of the day for the House in Committee on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, and other articles of a

(137)

like nature, being read,⁸

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Roman Catholic Churches.

The Order of the day for the House in Committee to consider the expediency of repealing the Laws now in force in Lower Canada, for the construction and repairing of the Roman Catholic Churches, Church Yards, Parsonage Houses, and Dependencies thereof, and also for the erection and division of Parishes in Lower Canada, and of substituting new provisions in lieu thereof, being read,

The House accordingly resolved itself into the said Committee.

Mr. Wakefield took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Wakefield reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to repeal the Laws now in force in Lower Canada, for the construction and repairing of Roman Catholic Churches, Church Yards, Parsonage Houses, and Dependencies thereof, and for the erection and division of Parishes in Lower Canada, and to substitute new provisions in lieu thereof.

Ordered, That Mr. Chabot have leave to bring in a Bill to repeal the Laws of Lower Canada, for the construction and repairing of Churches and Dependencies, and for the erection and division of Parishes, and to make new provisions in lieu thereof.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Contingencies.

The Order of the day for the House in Committee on the fourth report of the Standing Committee on Contingencies, being read,

The House accordingly resolved itself into the said Committee.

Mr. De Witt took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. De Witt reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

The names of the Members present, were taken down as followeth:--

Mr. Speaker,

Messieurs, AYLWIN, BALDWIN, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, DE WITT, HALE, HINCKS, HOLMES, HOPKINS, JOHNSTON, PRINCE, SIMPSON, TURCOTTE, and D. B. VIGER.

And at twenty minutes to eleven o'clock at night,

Mr. Speaker adjourned the House for want of a Quorum.

FOOTNOTES - 17 NOVEMBER 1843.

1. "J'ai peu de chose (sic) à vous écrire aujourd'hui, car les affaires de routine ont été faites au milieu d'une telle confusion que je n'ai pu les saisir qu'à moitié de ma place." JOURNAL DE QUEBEC, 25 November 1843. All the newspapers reported this day's proceedings in very cursory fashion.

2. BRITISH COLONIST, 21 November 1843.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. There is a brief but interesting comment about this bill in the JOURNAL DE QUEBEC, 25 November 1843.

SATURDAY, 18 NOVEMBER 1843.

10 O'clock, A. M.

(137)

2 Petitions
brought up.

THE following Petitions were severally brought up, and laid on the Table:--

By Mr. Roblin--The Petition of Thomas McMahon and others, Inhabitants of the District of Prince Edward.

University of
King's College.

By the Honourable Mr. Attorney General Baldwin--
The Petition of Henry A. Croft and William C. Gwynne,
Professors of the University of King's College,
setting forth: "That, by the original Charter, the Council of King's College was composed of nine members, including the Chancellor, five of whom formed a quorum: That the presiding member was endowed with the power of voting upon all questions, in addition to giving the casting vote in cases when an equality of votes existed on a division. That Your Petitioners are informed, by the Bishop, that it was intended that the Chancellor should preside upon all convenient occasions; consequently in him generally lay the power of exercising the privilege of giving the second, or casting vote. That the Legislature in the year 1837, deemed it expedient to increase the number of members on the College Council, and by the amended Charter the Council made to consist of twelve members, five of whom are ex-officio members. That by the recent Act uniting the two Provinces, changes have been effected which necessarily require the Chancellor and four of the ex-officio members to reside at a distance from Toronto, thereby, virtually, reducing the number of members on the College Council to seven. That the presiding member, the Bishop, now wields the power conferred by the casting vote. That, in addition to the President, there are at present, two other Clergymen on the College Council, and the probabilities are, that a third will be added, in the person of the principal of Minor College, should the vacancy now existing be filled up. That the interests of the Episcopalian Church will then be represented, in a Council consisting of seven members, by five Clerical votes. That Your Petitioners are of opinion that such a preponderance cannot exist, on the side of any one interest, without seriously endangering the general welfare of the University. Your Petitioners therefore pray that Your Honourable House will take these matters into your most serious consideration, and adopt such measures as to Your Honourable House may appear just and reasonable in the premises."

On motion of the Honourable Mr. Attorney General Baldwin, seconded by Mr. Cameron,

Petition read.

Ordered, That the last preceding Petition be now read, and that the Rule of this House, of the 28th of June, 1841, be dispensed with as to the present Petition, and the said Petition was read accordingly.

Ordered, That fourteen hundred copies of the said Petition, be printed in the English Language, and four hundred in the French, for the use of the Members of this House.

Official Acts
Bill, Ottawa
District.

An Engrossed Bill, to confirm and make valid certain official Acts, in the Offices of Registrar, Clerk of the Peace, Clerk of the District Court, and Registrar of the Surrogate Court, in and for

the District of Ottawa, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. D. McDonald, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of E. Cartwright Thomas and others, Inhabitants of the District of

(138)

Gore, in Public Meeting assembled; praying for the completion of certain parts of the road between Hamilton and Brantford.

Of Dugald Sinclair and others, Members of the Baptist Church and Congregation, at Lobo, in the District of London; praying that the benefits of King's College, at Toronto, and of McGill College, at Montreal, be opened to all Religious Denominations.

Of George Millar and others, Inhabitants of the Township of Toronto, and neighbourhood; praying that the charter of King's College may be so amended, as to allow the erection of separate Colleges, on the site of the University of the said College, for the advantage of different Religious Denominations.

Of the Reverend E. Payment and others, Inhabitants of the parishes of Ste. Geneviève and Ste. Anne, in the Island of Montreal; praying that the road from L'abond à Plough, to the upper end of the Island of Montreal, may be macadamized or otherwise improved.

Of E. Cartwright Thomas and others, Inhabitants of the District of Gore and Wellington; praying for the construction of a road between the Head Waters of Lake Ontario, and Owen's Sound, upon Lake Huron.

Of William Sheppard, Esquire, President of the Literary and Historical Society of Quebec; praying an aid in behalf of the said Institution.

Petition of
Rev. E. Pay-
ment & others
referred.

Ordered, That the Petition of the Reverend E. Payment and others, Inhabitants of the Parishes of Ste. Geneviève and Ste. Anne, in the Island of Montreal, be referred to the Special Committee, to which was referred the Petition of

Simon Valois and others, Inhabitants of Côte St. Michel, Côte de la Visitation, and of the Ste. Mary's Current, in the Parish of Montreal, and other References.

Second Report
on Printing.

Mr. Morris from the standing Committee on Printing, presented to the House the Second Report of the said Committee, which was again read at the Clerk's table, as followeth:--

"Your Committee having by Advertisement called for Tenders, for printing the Journals and Appendices of the present Session, in the English and French Languages, found, upon receiving the same, that of Edward John Barker, to be the lowest.

The Tender of Mr. Barker, is 1s. 6d. per 1000 Ms for composition, in both the English and French Languages; Press-work, 1s. 9d. per token; Paper, 20s per ream; and Binding, 4s. 10½d. per volume, without reference to size; the work to be done in the same manner and form in every particular as that of last year.

Your Committee have required Mr. Barker to furnish two sufficient Sureties for the due performance of the work, and upon his doing so, they beg to recommend that a Contract be entered into with him upon the terms above stated."

Ordered, That the said Report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Cook took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Cook reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Petition of
Wm. Sheppard.

Ordered, That the Petition of William Sheppard, President of the Literary and Historical Society of Quebec, and the Report accompanying the same, be printed for the use of the Members of this House.

Court of Appeals,
Lower Canada.

The Order of the day for the Second reading of the Bill, for the establishment of a better Court of Appeals, in Lower Canada, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Morris took the Chair of the Committee,¹

M. BLACK fait quelques observations tendant à faire voir pourquoi il est opposé au principe du bill. Il dit que son intention n'est cependant pas d'en appeler à une division de la Chambre, mais uniquement de consigner son vote; car bien qu'il soit contraire à la mesure en principe, il avoue néanmoins qu'elle est une amélioration sur le système actuel,

et que c'est peut-être ce qu'il y a de mieux à adopter dans les circonstances où se trouve présentement le pays. Son objection vient de ce qu'en permettant aux deux juges en chef, l'un résidant à Montréal, l'autre à Québec, et aux autres juges des différents districts, de siéger en appel sur les ... ((décisions)) rendues en cour inférieure par les uns les autres respectivement, c'est établir une espèce de concurrence entre eux. Cela serait contraire aux trente dernières années de législation du Bas-Canada. On sait que l'acte de 1794, communément appelé l'acte judiciaire, ne convient pas. Il est opposé à ce que des juges décident en appel de causes dont il aurait pu connaître comme juges en cour inférieure. Il aurait préféré (sic) que son honorable ami, le savant procureur général pour le Bas-Canada, aurait (sic) suivi les vues par lui émises en 1836 sur le même sujet. Cependant, il doit le répéter, il sait que dans l'état actuel des choses, le projet devant la Chambre est peut-être ce qui convient le mieux, et si cependant il ne peut l'appuyer de son vote, il n'a aucun désir de provoquer la Chambre à une votation contradictoire.²

L'Honorable M. LAFONTAINE a ((fait)) remarquer, entre autres observations, qu'entre son bill de 1836, auquel l'honorable et savant membre pour Québec (M. Black) avait fait allusion, et la mesure actuelle il y avait en effet beaucoup de différence. Le principe de son bill de 1836 était d'établir une cour d'appel séparée, présidée par des juges distincts, et il croit qu'il était convenable au temps et aux circonstances quoiqu'il avait reçu de l'opposition de la part du barreau de Québec. Il faut convenir que si on constitue une cour d'appel comme le suggère son honorable ami, on aura quatre juges qui tiendront toutes les affaires dans leur dépendance, et qui seraient parfaitement sans aucun contrôle. On avait fait des efforts pour améliorer l'ancien système; plusieurs bills avaient été présentés dans la législature du Bas-Canada à cet effet, mais aucun n'avait été passé. Il croit que le principe du bill actuel aura un frein salutaire, outre l'avantage de l'économie. Au bout d'un certain temps les juges d'appel auront peu de chose à faire au civil, et pourront d'autant mieux s'acquitter de leurs autres devoirs. Il avoue que la cour d'appel qu'on a eu (sic) jusqu'à présent est mal organisée et ne répond pas aux fins de la justice ainsi que l'a dit son honorable et savant ami; que la présence de conseillers exécutifs dans ce tribunal lui paraît être une anomalie. Il préfère aussi lui (M. La Fontaine) que les juges des tribunaux ordinaires ne puissent pas siéger en appel sur des causes dont ils auront été appelés à connaître en première instance, mais que s'il avait inséré en son bill une disposition contraire, il l'avait fait parce qu'il savait que c'était le vœu (sic) de bien du monde; il n'a cependant aucune objection à retrancher cette partie du bill. Quant à l'objection à ce que les juges de différents districts puissent siéger en appel sur leurs jugemens respectifs rendus en cour inférieure, il ne la croit pas fondée. On ne peut pas, sans les décréditer (sic), présumer qu'ils soient susceptibles d'un esprit de rivalité: et dans tous les cas, si la chose existait, ce serait un mal qui ne serait pas particulier à ce tribunal, mais on

pourrait aussi bien en charger tout autre tribunal et en particulier une cour d'appel administrée par des juges distincts. Le système proposé aura encore sur l'ancien cet autre avantage, c'est que à l'aide des juges du district des Trois-Rivières et du district de Gaspé, ou (sic) aura toujours en appel six juges. Le principe s'assimile au principe actuel, mais les détails en sont corrigés, et l'application rendue avantageuse. Les juges, après avoir administré en appel, auront encore des vacances de neuf mois dans l'année pour présider les autres tribunaux.³

L'Hon. M. BOULTON dit que bien qu'il ne soit pas au fait de la jurisprudence du Bas-Canada, il croit cependant devoir offrir quelques observations sur le bill. Il voudrait bien savoir pourquoi on n'établirait pas une seule cour d'appel pour toute la province-unie. Il n'aime pas cette distinction qu'on fait entre le Bas et le Haut-Canada, lorsqu'elle n'est pas nécessitée par l'état des choses. Il voudrait qu'on greffât sur cette haute branche de la judicature, le procès par jury, tant au civil qu'au criminel, et il désirait aussi qu'on pût en appeler à la reine en conseil des décisions de la cour d'appel au moyen du pourvoi par erreur.⁴

L'Hon. M. VIGER dit qu'il est pourvu par le bill même aux appels; à la reine en conseil dans certains cas, et que quant au procès par jury le Bas-Canada en jouit depuis longtemps, mais qu'il serait parfaitement inutile, et même nuisible, d'en faire le sujet d'une disposition particulière pour la cour d'appel, en ce que les preuves sont fournies devant un tribunal d'enquête distinct, qu'il n'en fallait pas davantage, de cette prétention de l'hon. et savant préopinant, pour faire voir qu'en effet il n'était pas bien au fait de notre système de jurisprudence, lequel système au civil, était à peu près le même que celui dont on avait tiré le code Napoléon, de l'aveu de tous les grands hommes et de tout le monde, l'ouvrage le plus parfait dont on ait doté l'humanité en fait de droit. Quant au criminel, il avait déjà, (lui M. Viger,) eu occasion de démontrer la supériorité du système anglais sur l'ancien système français; mais que l'hon. membre devait savoir que le Bas-Canada jouissait également des lois criminelles d'Angleterre, possédant ainsi, tant au civil qu'au criminel, les deux meilleurs systèmes de jurisprudence. On devait voir dans la pondération des pouvoirs judiciaires (sic) l'administration de la justice. L'idée qu'un juge siégeant en appel sur la décision d'un autre juge d'un tribunal de la même compétence doive être, à cause de cela, et tout d'abord, regardé comme nécessairement en proie à un esprit de rivalité, est une prétention qui ne tournerait certainement pas à l'honneur de l'espèce humaine. Rien n'empêchera les juges composant la cour d'appel de juger en toute justice, et celui qui ne le ferait pas pourrait prévariquer aussi bien dans aucun autre tribunal.⁵

L'Hon. M. BALDWIN dit que quant à une seule cour d'appel pour toute la province, quelque désirable que la chose paraisse, elle présente trop de difficultés pour qu'on puisse s'en occuper. Le système du

Haut-Canada à cet égard est, comme celui du Bas-Canada, sujet à beaucoup d'inconvénients. Il sent combien il est à désirer d'exclure de la cour d'appel les membres du Conseil Exécutif, dont les devoirs de l'une et de l'autre charge lui paraissent incompatibles, sans compter qu'il leur est souvent impossible de veiller aux deux. Dans la dernière session par exemple, aucun de ces membres ayant une compétence judiciaire n'a pu y assister, à cause de leurs nombreuses occupations, et il en sera certainement ainsi, il le craint, pour la session prochaine. Il est donc grandement temps d'introduire un meilleur système. Il ne sait pas, quant au Haut-Canada s'il vaudrait mieux établir une cour d'appel parfaitement distincte de toute autre organisation judiciaire; à tout événement, si cela était désirable, il ne croit pas que la question des dépenses doive aucunement entrer en considération par rapport à une matière si importante; que cependant, ce système là même, ne serait pas exempt d'inconvénients. Il avoue qu'il a beaucoup de doutes là-dessus, et il invite les honorables membres à se joindre à eux et à les aider de leurs lumières afin d'établir un système convenable et en rapport avec les besoins du pays. Qu'on doit pourtant également reconnaître que le système proposé par son hon. et savant ami a de grands avantages, et que la révision des jugemens accordée en appel entre les juges des diverses juridictions respectivement, et l'obligation de motiver ces jugemens, sont assurément destinées à exercer la plus salutaire influence sur l'administration de la justice. Ainsi c'est avec plaisir qu'il donne son plus cordial appui au bill de son hon. et savant ami, le procureur général pour le Bas-Canada, et il espère que la chambre lui accordera également son approbation.⁶

Quelques observations ultérieures ((viennent)) de M. HAMILTON, et des hon. MM. AYLWIN, LA FONTAINE et NEILSON, et de M. BLACK.⁷

Toutes les clauses du bill, lues et proposées une à une, sont adoptées à l'unanimité.⁸

Les seuls amendemens qui ont été faits au bill sont, le premier par M. LA FONTAINE, à la 6^e clause fixant le quorum en cour d'appel à quatre au lieu de huit.⁹

Le second, par M. VIGER, à la 7^e clause, ((portait)) que les juges du tribunal dont il est appelé ne pourront pas siéger à la cour d'appel.¹⁰

M. NEILSON ((s'))objectait à la treizième clause enjoignant aux juges de rédiger eux-mêmes le tarif de la cour d'appel, sur le principe que c'était conférer des pouvoirs dangereux aux juges.¹¹

M. LAFONTAINE lui fit observer que la loi donnait déjà ce pouvoir aux juges de la cour du banc du roi, comme étant des personnes bien compétentes pour remplir ce devoir, et que dans tous les cas il serait toujours au pouvoir de la législature d'amender le tarif, de l'augmenter ou de le diminuer selon qu'elle le trouverait trop bas ou trop élevé.

Le bill entrera en vigueur le 21 avril 1844, c'est-à-dire en même temps que le bill de judicature. La cour devra tenir sa première session à Québec.

(138)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Morris reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Small Causes,
L. Canada.

The order of the day for the second reading of the Bill, to provide for the summary trial of Small Causes, in Lower Canada, being read,

The said Bill was accordingly read and referred to a Special Committee, composed of the Honourable Mr. Attorney General Lafontaine, Mr. Armstrong, the Honourable Mr. Viger, Mr. L. M. Viger, and Mr. Chabot, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Petitions of G.
W. Fogg and
others, and
Edmund Peel
and others,
referred.

Ordered, That the Petition of George W. Fogg and others, Inhabitants of the County of Stanstead, presented to the House on the third of October last--And the Petition of Edmund Peel and others, Inhabitants of the County of Stanstead, presented to the House, on the ninth of the same month, be referred to the said Committee.

District of
Gaspé Bill.

The Order of the day for the Second reading of the Bill to establish the District of Gaspé, and to provide for the due administration of Justice, being read.

The said Bill was accordingly read and referred to a Special Committee, composed of the Honourable Mr. Attorney General Lafontaine, Mr. Hamilton, Mr. Christie, the Honourable Mr. Black, and Mr. Quesnel, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Customs and
Revenue.

The Order of the day for the House in Committee, on the Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue, being read,

The House accordingly resolved itself into the said Committee.

Mr. Taché took the Chair of the Committee,¹³

Cette mesure a provoqué une longue discussion, le comité a siégé pendant plus de quatre heures, et définitivement elle y a été adoptée. Les seuls amendemens faits à ce bill portent que les officiers préposés pour la perception et régie des revenus seront à la nomination du gouverneur et du conseil exécutif, et non du gouverneur seul comme le portait la rédaction originale de quelques clauses et que le bill sera en vigueur trois ans à compter du jour de son entrée en opération, pour être amendé ou continué en entier selon que l'expérience l'indiquera. Les salaires des officiers de ce département, excepté les commissaires des revenus et les percepteurs des droits aux port (sic) de Montréal et de Québec, ne devront en aucun cas excéder £400 courant par année. Les salaires des commissaires, qui sont au nombre de trois et forment un bureau de régie dont l'inspecteur général sera le présent (sic), n'excéderont pas £500 courant, et il sera alloué, à même les fonds publics, annuellement, une somme de £2000 courant, à être employée par le Bureau des Travaux publics à l'érection de maisons de douane et autres bâtimens nécessaires pour la collecte et la conduite des revenus, aux endroits et en telle manière qu'il plaise aux gouverneur et Conseil exécutif, ou bien aux commissaires d'indiquer.¹⁴

(138)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Taché reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Welland Canal.

The Order of the day for the House in Committee, to consider the expediency of amending a certain Act of the Parliament of Upper Canada, passed in the 7th year of the Reign of His late Majesty William 4th., intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned"--And also a certain other Act of the Parliament of Upper Canada, passed in the 4th and 5th years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock

(139)

held by private parties, in the Welland Canal, to be purchased on behalf of the Province," being read,

The House accordingly resolved itself into the said Committee.

Mr. Durand took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Durand reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Shareholders
of Banks.

The Order of the Day for the House in Committee on the Bill to relieve the Shareholders of the several Banks therein mentioned, from liability beyond the amount of the Shares subscribed, and for that purpose to amend the several Acts creating such liabilities being read,

The House accordingly resolved itself into the said Committee.

Mr. Christie took the Chair of the Committee,

((There was)) some discussion.¹⁵

(139)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Christie reported that the Committee had gone through the Bill without making any amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

John T. Caldwell
& others.

The Order of the Day for the House in Committee on the Report of the Special Committee to which was referred the Petition of John T. Caldwell and others, Proprietors of Vessels navigating the Gulf of St. Lawrence, being read,

The House accordingly resolved itself into the said Committee.

Mr. Thompson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Thompson reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Contingencies.

The Order of the Day for the House in Committee on the Third Report of the Standing Committee on Contingencies, being read,

Resolved, That this House will, on Wednesday next, resolve itself into the said Committee.

La Banque du
Peuple.

The Order of the day for the House in Committee on the Bill to incorporate certain persons carrying on the business of Banking, in the City of Montreal, under the name of La Banque du Peuple, being read,

The House accordingly resolved itself into the said Committee.

Mr. Hale took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hale reported that the Committee had gone through the Bill

without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Protestant
Episcopal
College Quebec.

The Order of the day for the House in Committee on the Bill to incorporate the Diocesan College of the Protestant Episcopal Diocese of Quebec, being read.

The House accordingly resolved itself into the said Committee.

Mr. Noel took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Noel reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Preservation of
Fish in Stanstead
& c.

The Order of the Day for the House in Committee on the Bill for the better preservation of certain species of Fish, in the Rivers and Waters of the Counties of Stanstead, Sherbrooke, Missisquoi and Shefford, being read,

The House accordingly resolved itself into the said Committee.

Mr. McLean took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. McLean reported that the Committee had gone through the Bill, and had made an amendment thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Monday next.

Tay Naviga-
tion.

The Order of the Day for the House in Committee to consider the expediency of amending the Tay Navigation Act, being read,

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to amend the Act of the Provincial Parliament of Upper Canada, 1st William IV: Cap. 10, incorporating the Tay Navigation Company, in so far as relates to the settlement of claims by arbitration, and to continue that part of the said Act which provides for the settlement of such claims by Juries.

Ordered, That Mr. Cameron have leave to bring in a Bill to amend the Act incorporating the Tay Navigation Company.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday the twenty-fourth Instant.

*Then on motion of Mr. Noel, seconded by Mr. Simpson,
The House adjourned until Monday next.*

FOOTNOTES - 18 NOVEMBER 1843.

1. The debate on this matter was reported in: LA MINERVE, 23 November 1843, copied by LE CANADIEN, 27 November 1843; and LA MINERVE, 25 November 1843.
2. LA MINERVE, 25 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. The following was reported in: LA MINERVE, 25 November 1843; KINGSTON CHRONICLE, 22 November 1843; and BRITISH COLONIST, 21 November 1843, in an account identical to that of MONTREAL GAZETTE, 23 November 1843.
14. LA MINERVE, 25 November 1843.
15. KINGSTON CHRONICLE, 22 November 1843.

MONDAY, 20 NOVEMBER 1843.

(139)

9 Petitions
brought up.

THE following Petitions were severally brought
up and laid on the Table:--

By Mr. Cameron--The Petition of Robert Hodgins and others, Inhabitants of the Township of McGillivray, in the District of Huron; the Petition of James Murray and others, Inhabitants of the Township of Hay, in the District of Huron; and the Petition of William Elder and others, Inhabitants of the Township of Usborne, in the District of Huron.

By Mr. Thompson--The Petition of the Congregation of the Trinity Church at Chippewa, in the District of Niagara.

(140)

By Mr. Harmanus Smith--The Petition of William Walker and others, a Committee appointed to consider the necessity of improving the Road between Brantford and Hamilton.

By Mr. Lacoste--The Petition of John Morris and others, Inhabitants of the Parish of St. Jerome, and other places.

By the Honourable Mr. Sherwood--The Petition of the Board of Trade, of the City of Toronto,¹ and the Petition of Henry Smith, of the City of Toronto.

By Mr. Williams--The Petition of the Presbyterian Church and Congregation of Cavan, in connexion with the Synod of Canada.

By Mr. Roblin--The Petition of Thomas Moore and others, Inhabitants of the District of Prince Edward.

La Banque
du Peuple.

An Engrossed Bill to Incorporate certain
persons carrying on the business of Banking in the
City of Montreal under the name of La Banque du

Peuple, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Quesnel do carry the said Bill to the Legislative
Council and desire their concurrence.

Court of Appeals,
Lower Canada.

An Engrossed Bill for the establishment of a
better Court of Appeals, in Lower Canada, was read
for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Lafontaine do carry
the said Bill to the Legislative Council, and desire their con-
currence.

La Congregation
de Notre Dame de
Quebec.

An Engrossed Bill to Incorporate the Association
called La Congregation de Notre Dame de Québec, was
read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Aylwin do carry the said
Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following
Petitions, were read:--

Of P. P. Russell and others, Inhabitants of the Parish of St. Armand,
West, and its vicinity; praying that the Bill for the establishment of
Commissioners' Courts may be amended so that a small Fee Fund may be
raised for the Purpose of paying the Commissioners a reasonable compensa-
tion for their time and expenses.

Of the Reverend John Cook and others, Inhabitants of the City of
Quebec, and its vicinity; praying for certain amendments to the Common
School Act.

Of Thomas McMahon and others, Inhabitants of Prince Edward; praying
for the establishment of the Courts of Requests.

Small Causes,
L. Canada.

The Honourable Mr. Attorney General Lafontaine,
from the Special Committee to which was referred
the Bill to provide for the summary trial of

Small Causes in Lower Canada, reported that the Committee had gone
through the Bill, and had made several amendments thereto, which amend-
ments were again read at the Clerk's table.

Ordered, That the said Bill be now referred to a Committee of the
whole House.

The House accordingly resolved itself into the said Committee.

Mr. Boutillier took the Chair of the Committee,²

Un amendement ((a été)) proposé par M. JONES, à la 34e clause et
ayant pour but d'obtenir que les Commissaires fussent rétribuées (sic)
au moyen de fonds réalisés sur les plaideurs jusqu'à la concurrence
d'1s. 6d. pour toutes les demandes au dessous de £1 10 0, et de 2s 6d.
pour celles excédant ce chiffre.³

This was however opposed by MR. BLACK, as introducing a novel and
pernicious system into Lower Canada, that would have an injurious tendency
with reference to the commissioners and be of much inconvenience to the
public. If the commissioners were to be paid, let it be by a fixed
salary and not by fees. He (Mr. Black) was given to understand that in
Upper Canada the magistrates had been in the habit of receiving fees,
but he hoped to see before much time had elapsed a bill introduced
abolishing the system.⁴

CAPTAIN STEELE urged similar objections.⁵

MR. MERRITT was desirous that magistrates in Upper Canada should be
allowed to receive fees.--In Lower Canada let them do as they pleased
with regard to them. This was the first time he had heard any complaint
against the practice. Upon the principle of the labourer being worthy of

his hire, the magistrate was entitled to fees, which after all were only trifling.⁶

MR. ROBLIN took up the same ground on behalf of the magistrates broadly remarking that if they were not to be trusted in such paltry matters, the Government had better select other people to discharge the duties of magistrates.⁷

M. LAFONTAINE dit qu'il ne serait pas juste de charger les revenus de la province de salaires en faveur de ces commissaires, et que d'ailleurs le gouvernement n'aura pas les pouvoirs d'imposer ces cours aux diverses localités, mais uniquement de les accorder aux paroisses ou townships qui voudront bien en avoir, et qu'un grand point qu'il ne faut pas perdre de vue, c'est de faire peser ce service public subalterne le moins possible sur ses administrés.⁸

((MM. NEILSON, ... CHRISTIE et CHILD ont aussi combattu l'amendement)).⁹

The amendment, after a few remarks by MR. JONES, was then withdrawn.¹⁰

(140)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Boutillier reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Report on Pe-
tition of Gilles-
pie, Moffatt &
Company.

Mr. Leslie from the Select Committee to which was referred the Petition of Messieurs Gillespie, Moffatt, and Company, and other Merchants, of Montreal, and other References, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have examined the different Documents submitted to them, and looked into the different Statutes imposing Duties upon Sugars, from which it appears that by the Act 35 Geo. III, cap. 9, a Duty of one penny per pound was ordered to be collected upon Loaf and Lump, and a half-penny on Muscovado and clayed Sugars; by the Act 53 Geo. III, cap. 1, the first description of Sugars were designated as Refined, and the second as Muscovado or Clayed, and the same classification was continued until the 4 & 5 Vic. cap. 14, when an alteration was made on the second quality, which was designated as Raw, but the first retained its previous denomination. Bastard Sugars were invariably classed under the second designation, and paid the same Duty until the year 1842, when, in consequence of a Minute of the Executive Council, of the 22d March of that year, the Collectors of Customs were directed to levy upon a certain description of Bastards, the same Duty as on Refined.

Your Committee cannot conceive that it was the intention of the Legislature to alter the classification of Sugars, that had existed since 1813, and thereby subject one description to a higher rate of Duty than had been previously paid, without distinctly expressing it in the Statute; and are, therefore, of opinion that the extra penny, per pound, which has been levied upon Bastard Sugars, should be refunded to the parties by whom it had been paid."

Messrs. Harrison and Hincks dissentient.

PORT OF QUEBEC.

Bastard Sugars.

A Return shewing the names of the Importers, and the quantity of all descriptions of Bastard and Clayed or other Sugar on which the Duty has been exacted as Refined, but with respect to which there may be a doubt whether it might be considered as Refined or as Raw Sugar, and the amount of Duty paid thereon by each Importer since the 1st January, 1842.

IMPORTERS.	QUANTITY.	AMOUNT OF DUTY.
<u>Shaw & Torrance</u>	40627 lbs. @ 2d.	338 11 2
<u>J. G. Heath & Co.</u> ...	64854 "	540 9 0
do. ...	59229 "	493 11 6
do. ...	26534 "	221 2 4
do. ...	35731 "	297 15 2
do. ...	75047 "	625 7 10
do. ...	63544 "	529 10 8
<u>S. Macaulay</u> ,.....	11727 "	97 14 6
do. ...	10300 "	85 16 8
	387593 "	3229 18 10

N. B. With reference to the above importations, it is submitted that under the Report of Council, dated 23rd March, 1842, the whole thereof ought to be considered "Refined" and not "Raw Sugar," and therefore subject to the Duty which has been paid thereon, it having been "improved in purity and in value by means of a process of refinement." A separate Return of Bastard and Clayed Sugar, which though "Refined," payed as Raw Sugar, is annexed.

H. Jessopp, Collector.

Customs, Quebec 2nd November, 1843.

(141)

PORT OF QUEBEC.

A Return of Bastard and Clayed Sugar, which, though "Refined Sugar," has been admitted at the Duty of "Raw Sugar," under the Report of Council, dated 23rd March, 1842, the same not having been "improved" by process of Refinement, Imported since the 1st January, 1842.

IMPORTERS.	QUANTITY.	AMOUNT OF DUTY.		
		£.	s.	d.
Smith & Provan,.....	546 lbs @ 1d.	2	5	6
Charles Stuart,.....	10512 "	43	6	0
J. G. Heath & Co.....	64152 "	267	16	0
G. H. Parke & Co.....	16542 "	68	18	6
J. G. Heath & Co.....	22409 "	93	7	5
do.	17890 "	74	10	10
do.	19732 "	82	4	4
do.	24191 "	100	15	11
do.	25404 "	105	17	0
Charles Stuart,.....	35280 "	147	0	0
do.	17276 "	71	19	8
do.	17186 "	71	12	2
J. G. Heath & Co.....	8477 "	35	6	5
do.	52815 "	220	1	3
do.	28864 "	120	5	4
Gillespie, Jamieson & Co..	61497 "	256	4	9
Charles Stuart,.....	34295 "	142	17	11
do. ...	17475 "	72	16	3
do. ...	31284 "	130	7	0
	505827 "	£2107	12	3

N. B. On a reference made to the Honourable Board of Customs to the description of "Refined Sugar," intended to be charged with Duty, under Section 9th, of the Act 5 & 6 Victoria, cap. 49, it was ordered that all Sugar refined in Bond in the United Kingdom, is liable to the Duty of ten per cent without reference to the degree of Refinement it may have undergone.

Customs, Quebec, 2nd November, 1843.

H. Jessopp, Collector.

Return of the quantity of Bastard Sugar imported into the Port of Montreal since the 1st January, 1842, on which the Duty of two pence per pound as refined, has been levied under an order of His Excellency

the Governor General, in Council, dated 28th March, 1842.

NAMES OF IMPORTERS.	QUANTITY.	RATE.	DUTY RECEIVED.		
			£.	s.	d.
<u>Buchanan, Cunningham & Co.,...</u>	46006 lbs.	2d.	383	7	8
<u>Murray & Sanderson,.....</u>	9841 "	"	82	0	2
<u>William Muir, Junior,.....</u>	44465 "	"	370	10	10
<u>Millar, Edmonstone & Allan,..</u>	5522 "	"	46	0	4
<u>Charles Phillips & Co.,.....</u>	9195 "	"	76	12	6
<u>A. H. Vass,.....</u>	88994 "	"	741	12	4
<u>Jas. G. Heath & Co.,.....</u>	93312 "	"	777	12	0
<u>Gillespie, Moffatt & Co.,.....</u>	21560 "	"	179	13	4
	318895lbs.	St'g.	2657	9	2

Custom House, Montreal, 30th October, 1843.

W. Hall, Collector.

Ordered, That the said Report be referred to a Committee of the whole House, on Friday next.

Report on Pe-
tition of X. Lé-
gault & others.

Mr. Jobin from the Special Committee, to which was referred the Petition of Xavier Légault and others, of Isle Bixare, in the Parish of St.

Raphael, in the District of Montreal, presented to the House the Report of the said Committee which was again read at the Clerk's table, and is as followeth:--

"Your Committee are of opinion, that the prayer of the Petitioners, to be annexed to the County of Montreal for all purposes, legal or political, ought to be granted."

Isle Bixare
Bill.

Ordered, That Mr. Jobin have leave to bring in a Bill to detach Isle Bixare, from the County of Two Mountains, and to annex it to the County of Montreal.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Kingston Mineral
Wells Company.

Ordered, That Mr. Cartwright have leave to bring in a Bill to incorporate the Kingston Mineral Wells Company.

He accordingly, presented the said Bill to the House, and the same

was received and read for the first time, and ordered to be read a second time, on Tuesday the twenty eighth instant.

Leave of absence to Mr. Cook.

Ordered, That Mr. Cook have leave of absence, until the fifth of December next, on urgent business.

Intestate Estates.

Ordered, That the order of the day for the second reading of the Bill, to provide for the more equal distribution of the property of persons dying intestate, within that part of this Province, formerly Upper Canada; lost by the adjournment of the House of Wednesday last, be revived, and that the said Bill be read a second time, on Tuesday the twenty eighth instant.

Education Lower Canada.

Ordered, That the Honourable Mr. Morin, have leave to bring in a Bill to provide more efficiently for Elementary Education, in Lower Canada.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Registration Lower Canada.

Ordered, That the Honourable Mr. Jones have leave to bring in a Bill to amend the Ordinance, providing for the Registration of Titles to Real Property, and Incumbrances thereon, in Lower Canada, and further to extend the time allowed by the said Ordinance for the registration of certain claims.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Timber Inspection, & c.

Mr. Roblin, from the Committee of the whole House, on the Bill to regulate the inspection and measurement of Timber, Masts, Spars, Deals, and other articles of a like nature, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Mr. Cameron moved, seconded by Mr. Johnston, That the said Bill, as amended, be engrossed.

The Honourable Mr. Neilson moved, in amendment, That all the words after "That" in the said motion be struck out, and the following substituted, "the said Bill be re-committed with an instruction to amend the same, that all compulsory inspection, culling or measurement of Timber, or Lumber, previous to the shipment or exportation, be omitted, unless with the consent or at the request of the owner or some person interested therein." "11

DR. DUNLOP characterised any compulsory enactment of this kind, as having its origin in ignorance, and as undue interference in the transactions of the merchant.¹²

MR. CAMERON said, that the bill would not affect lumber in the port of Quebec, until January next, and that as to the objections against compulsory measurement, it was introduced into the bill to protect the sellers, who often suffered materially, as has been shewn by petitions and complaints upon the subject.¹³

MR. BLACK spoke in favour of the bill being recommitted.¹⁴

MR. JOHNSTON took an opposite view, considering it as a fair transaction between buyer and seller, in the same way as inspection applied to beef and pork. All the lumberers asked was just measurement. The large houses in the trade approved of the principle, and without it the bill would be perfectly useless. The merchants would not undertake to go into the woods and get out the lumber themselves, but advanced money to others to do it, and as soon as they got the lumber into their possession attempted to take every unfair advantage.¹⁵

(141)

The Question having been put upon the said motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs BERTHELOT, BLACK, BOUTILLIER, CARTWRIGHT, CHRISTIE, DUGGAN,

(142)

DUNLOP, DURAND, FORBES, HOPKINS, LACOSTE, MERRITT, MURNEY, NEILSON, ROBLIN, SIMPSON, STEELE, D. B. VIGER, and WILLIAMS.--(19.)

NAYS.

Messieurs ARMSTRONG, BARTHE, BOSWELL, BOULTON, CAMERON, CHABOT, CHILD, COOK, DALY, DE WITT, DUNN, FOSTER, HARRISON, HINCKS, HOLMES, JOBIN, JOHNSTON, JUDAH, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, D. McDONALD, J. S. MACDONALD, MCLEAN, MOORE, MORRIS, NOEL, PAPINEAU, PRINCE, SMALL, HENRY SMITH, HARMANNUS SMITH, HENRY SHERWOOD, STEWART, TURCOTTE, L. M. VIGER, WAKEFIELD, WATTS, and WOODS.--(39.)

So it passed in the Negative.

The Question being then put upon the main motion, it was agreed to by the House, and

Ordered accordingly.

Contingencies.

The Order of the day for receiving the Report of the Committee of the whole House, on the fourth

*Report of the Standing Committee of Contingencies, being read,
Ordered, That the said Report be re-committed to a Committee of the
whole House, on Wednesday next.*

Printing. Mr. Cook from the Committee of the whole House
on the second Report of the Standing Committee on
Printing, reported, according to order, the Resolution of the said
Committee, which Resolution was again read at the Clerk's table, and
agreed to by the House, and is as followeth:--

*Resolved, That the second Report of the Standing Committee on the
subject of the Printing of the Journals of this House, for the
present Session, be adopted.*

Management
of Customs. Mr. Taché from the Committee of the whole
House, on the Bill to provide for the management
of the Customs, and of matters relative to the
collection of the Provincial Revenue, reported, according to order, the
amendments made by the Committee to the said Bill, which amendments were
again read at the Clerk's table.

The Honourable Mr. Hincks moved, seconded by the Honourable
Mr. Solicitor General Small, that the Question of Concurrence be now
separately put upon each of the said amendments.

Mr. Morris moved, in amendment, seconded by Mr. Merritt, that all the
words after "That" in the said motion be struck out, and the following
substituted, "the said Bill and Report be now recommitted to a Committee
of the whole House, for the purpose of amending the same, by striking out
the words 'five hundred pounds' in the sixth Clause, and inserting the
words 'four hundred pounds' in lieu thereof."

The Question having been put upon the said motion of amendment, a
division ensued, and the names being called for, they were taken down as
followeth:--

YEAS.

Messieurs BOUTILLIER, CHILD, COOK, DUGGAN, DUNLOP, DURAND, FOSTER,
HOPKINS, JOHNSTON, J. S. MACDONALD, MCLEAN, MERRITT, MORRIS, MURNEY,
PAPINEAU, ROBBLIN, HENRY SMITH, HARMANNUS SMITH, HENRY SHERWOOD, STEELE,
WATTS, and WILLIAMS.--(22.)

NAYS.

Messieurs BALDWIN, BARTHE, BERTHELOT, BLACK, BOULTON, CAMERON,
CARTWRIGHT, CHABOT, CHRISTIE, DE WITT, FORBES, HARRISON, HINCKS, HOLMES,
JOBIN, JUDAH, LACOSTE, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, MORIN,
NEILSON, NOEL, PRINCE, SIMPSON, SMALL, STEWART, D. B. VIGER, and L. M.
VIGER.--(29.)

So it passed in the Negative.

The Question being then put on the main motion, it was agreed to by the House.

And the said amendments being again severally read, the Question of concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Welland Canal.

Mr. Durand from the Committee of the whole House, to consider the expediency of amending a certain Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty, William IV, intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned;" and also a certain other Act of the Parliament of Upper Canada, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled "An Act to authorize the stock held by Private Parties, in the Welland Canal, to be purchased on behalf of the Province;" reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and agreed to by the House, and are as followeth:--

Resolved, That it is expedient to repeal so much of an Act of the Parliament of Upper Canada, passed in the seventh year of the Reign of His late Majesty, William IV, intituled, "An Act to provide for the permanent completion of the Welland Canal, and for other purposes therein mentioned," as provides for the income of the said Canal or any part thereof, being divided amongst the Private Stockholders.

Resolved, That it is expedient to repeal a certain Act of the Parliament of this Province, passed in the 4th & 5th years of the Reign of Her present Majesty, intituled, "An Act to authorize the Stock held by Private Parties, in the Welland Canal, to be purchased on behalf of the Province," and to provide for the immediate issue of Debentures to the private shareholders, redeemable in twenty years from this date, and bearing interest from the first day of January, 1843, which interest may, at the option of the shareholders, be payable in London, at the rate of five per cent, per annum; or in this Province at the rate of six per cent per annum; and further to provide, that so soon after the completion of the Canal, as the toll shall amount in any one year to £45,000 Currency, other Debentures shall be issued to the private Stockholders, for the interest on their stock, for the time that the same had been paid in, such Debentures, to be payable either in London, at the rate of five per cent, per annum, interest, or in Canada, at six per cent, at the option of the Shareholders.

Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill, to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government, to purchase the stock held by private Parties, in the Welland Canal.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Banking
liability.

Mr. Christie from the Committee of the whole House, on the Bill to relieve the shareholders of the several Banks therein mentioned, from liability beyond the amount of the shares subscribed, and, for that purpose, to amend the several Acts creating such liabilities, reported, according

(143)

to order, the said Bill without any amendment, and the Report was again read, at the Clerk's table.

The Honourable Mr. Hincks moved, seconded by Mr. Derbshire, That the said Bill be engrossed.¹⁶

MR. BLACK suggested that those who were stockholders and interested parties, should abstain from voting.¹⁷

The Hon. ... Speaker ((MR. CUVILLIER)) read the rule, to the effect that any member having an interest peculiar to himself in any question, ought not to vote upon it. In this case the honourable gentleman considered the rule applicable.¹⁸

M. LAFONTAINE ... dit que la règle telle qu'elle existe, et dans le mérite de laquelle il n'entre pas, est en effet applicable à l'espèce dont il s'agit.¹⁹

MR. SHERWOOD expressed a similar opinion.²⁰

MR. BOULTON ... ((alleged)) that it was a matter purely of a public nature, and that every one had a right to vote upon it.²¹

MM. SMALL et CARTWRIGHT ... se retirent pour ne pas prendre part au vote.²²

M. HINCKS explique que le bill est introduit pour mettre fin à ce qu'on doit regarder comme un abus. La clause de double garantie n'avait été imposée aux banques chartrées (sic) que par suite de démarches du gouvernement impérial qui avait enjoint au gouverneur de refuser la sanction à toute charte qui ne contiendrait pas cette clause, mais que la législature provinciale n'aurait jamais exigé d'elle même de pareilles conditions, et conformément à ce qu'on devait regarder comme l'usage et le veu (sic) du pays, le gouvernement britannique consentant actuellement à supprimer la double garantie, il devenait nécessaire d'adopter une mesure à cet effet.²³

SIR ALLAN MACNAB se prononce contre la clause de double garantie.²⁴

Elle est défendue par M. DURAND qui prétend qu'on fera tort aux banques à (sic) la leur ôtant.²⁵

M. WAKEFIELD la traite d'illusion, d'épouvantail propre à effrayer les capitaliste (sic) étrangers et à les détourner d'investir leurs fonds dans la colonie, tandis que les capitalistes d'ici peuvent s'en moquer.²⁶

M. HARRISON parle en faveur du bill, qu'il représente comme étant le résultat des démarches du gouvernement métropolitain et des négociations du gouvernement canadien auprès du premier à ce sujet.²⁷

M. MORIN parle en faveur de la mesure, et il fait remarquer entre autres observations, qu'il est un fait notoire que les émissions des banques excèdent leurs fonds payés.²⁸

MR. HOLMES said, that in opposition to the Montreal Bank, he was decidedly of opinion, that it was a proper condition to annex to Bank capital, and instead of delusion, the best safeguard against a reckless issue of paper.²⁹

M. CHILD s'exprime dans le sens du préopinant.³⁰

M. BOSWELL condamne la conduite antérieure du gouvernement impérial, qu'il représente comme n'ayant aucun droit de nous prescrire de pareille (sic) conditions. Il lui reproche d'avoir tenté par là de s'immiscer dans notre législation locale, et dit qu'il est du devoir des représentants du pays de repousser cette intervention dans nos affaires, qui ne peut qu'avoir des suites pernicieuses pour nos intérêts, et il veut voter en faveur du bill principalement pour condamner cette politique des autorités métropolitaines.³¹

M. NEILSON se prononce contre la clause de double garantie.³²

M. BLACK ... attaque aussi le bill. Il nie le droit au gouvernement anglais de législater (sic) pour nous, et il assimile la mesure au système de répudiation qu'on reproche aux Etats-Unis. Il dit qu'il n'est pas juste d'accorder des chartes aux banques.³³

M. HINCKS, en explication, fait remarquer combien le préopinant est dans l'erreur en parlant de répudiation, puisque le bill devant la chambre n'aura aucun effet rétroactif, et que la même responsabilité que ci-devant pèsera sur toutes ces banques pour toutes leurs transactions antérieures au bill.³⁴

((Il y a encore)) quelques autres discours de part et d'autre.³⁵

(143)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs ARMSTRONG, BOSWELL, BOULTON, CAMERON, CHRISTIE, DALY, DERBISHIRE, DEWITT, HARRISON, HINCKS, JOBIN, LACOSTE, LAFONTAINE, SIR ALLAN N. MCNAB, D. McDONALD, MERRITT, MORIN, PAPINEAU, PARKE, PRINCE, QUESNEL, ROBLIN, STEELE, TACHE, TURCOTTE, D. B. VIGER, L. M. VIGER, and WAKEFIELD--(28.)

NAYS.

Messieurs BARTHE, BERTHELOT, BLACK, BOUTILLIER, CHABOT, CHILD, COOK, DUGGAN, DUNLOP, DURAND, FOSTER, HAMILTON, HOLMES, HOPKINS, JOHNSTON, JUDAH, LESLIE, J. S. McDONALD, MCLEAN, MOORE, MURNEY, NEILSON, NOEL, SIMPSON, HENRY SMITH, HARMANNUS SMITH, and STEWART.--(27.)

So it was carried in the affirmative.

Ordered, That the said Bill be engrossed.

Petition of
John C. Caldwell
& others.

Mr. Thompson from the Committee of the whole House, on the Report of the Special Committee, to which was referred the Petition of John C. Caldwell and others, Proprietors of Vessels, navigating the Gulf of St. Lawrence, reported, according to order, the Resolution of the said Committee; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That this House doth concur with the Special Committee, in the said Report.

Navigation St.
Lawrence.

Ordered, That Mr. Christie have leave to bring in a Bill to alter and amend certain Acts therein mentioned, relating to the navigation of the

River St. Lawrence, in so far as the same relates to the Port of Quebec.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday next.

Protestant
Episcopal College
of Quebec.

Mr. Noel from the Committee of the whole House, on the Bill to incorporate the Diocesan College, of the Protestant Episcopal Diocese of Quebec, reported, according to order, the amendment made by the Committee to the said Bill; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Preservation of
Fish in waters
of Stanstead & c.

Mr. McLean, from the Committee of the whole House, on the Bill for the better preservation of certain species of Fish in the Rivers and Waters of the Counties of Stanstead, Sherbrooke, Missisquoi,

and Shefford, reported, according to order, the amendment made by the Committee to the said Bill; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Land

Surveyors.

The Order of the Day for the Second Reading of the Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors, and the Survey of Lands in Upper Canada, being read,

The said Bill was accordingly read and committed to a Committee of the whole House.

Mr. Duggan took the Chair of the Committee,

MR. BOULTON said, that considering the great importance of the bill, as it involved the titles of persons and was likely to be productive of endless litigation, he trusted that at least it would be postponed for a time, to allow of its being examined into. - Indeed, he would prefer that it should lie over till next session.³⁶

MESSRS. WILLIAMS, JOHNSTON, DUGGAN, and other members also urged the propriety of delaying the measure.³⁷

MR. PARKE expressed himself ready to accede to any reasonable delay but trusted the House would not extend it as had been expressed, so as to allow the session to pass away without legislating on the subject. He (Mr. Parke,) had in the present bill, observed due regard for the principle of the old law, and had introduced only such additional provisions, as would carry it out, and were in accordance with the opinion of experienced surveyors; - instead of the bill creating lawsuits, it would prevent them. He (Mr. Parke,) thought that before hon. members objected to a bill, they should at least read it.³⁸

(143)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Duggan reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, on Thursday next.

Jurors Lower
Canada.

The Order of the Day for the Second Reading of the Bill to regulate the qualification and summoning of Jurors, in civil and criminal matters, in

Lower Canada, being read,

The said Bill was accordingly read, and referred to a Special Committee composed of the Honourable Mr. Attorney General Lafontaine, Mr. Quesnel, the Honourable Mr. Black, Mr. Chabot, and the Honourable Mr. Jones, to report thereon, with all convenient speed, with power to send for

persons, papers, and records.

Notarial pro-
fession Lower
Canada.

The Order of the Day for the Second Reading of the Bill to regulate the Notarial Profession in Lower Canada, being read,

The said Bill was accordingly read, and referred to a Special Committee, composed of the Honourable Mr. Attorney General Lafontaine, Mr. Lacoste, Mr. Jobin, Mr. Christie, and the Honourable Mr. Black, to report thereon, with all convenient speed; with power to send for persons, papers, and records.

Upper Canada
Division Bill.

The Order of the Day for the Second Reading of the Bill for the better division of that part of the Province called Upper Canada, into Counties; for abolishing the Territorial division thereof into Districts; and providing for temporary unions of Counties for Judicial and other purposes, and the future dissolution of such unions, as the increase of the population may require, being read,

Ordered, That the said Bill be read a Second time on Thursday next.

Jurors & c.
Upper Canada.

The Order of the Day for the House in Committee on the Bill for the consolidation and amendment of the Laws, relative to Jurors, Juries, and Inquests, in that part of this Province called Upper Canada, being read,
Resolved, That this House will, on Thursday next, resolve itself into the said Committee.

Petition of
Thomas McLean
& others.

The Order of the Day for the House in Committee, on the Report of the Select Committee to which was referred the Petition of Thomas McLean, and other Inhabitants of the Township of Zorra East, being read,

The House accordingly resolved itself into the said Committee.

Mr. D. McDonald took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. D. McDonald reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House and is as followeth:--

Resolved, That this House doth concur in the recommendation of the Select Committee.

Zorra Division
Bill.

Ordered, That the Honourable Mr. Hincks have leave to bring in a Bill to divide the Township of Zorra, in the Brock District, into two Townships.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Thursday next.

Towns Incorporation & c.
Upper Canada.

The Order of the Day for the House in Committee, on the Bill to provide for the incorporation of Townships, Towns, Counties, and Cities in Upper Canada, being read,

(144)

*The House accordingly resolved itself into the said Committee.
Mr. Johnston took the Chair of the Committee,*

*La corporation doit retenir le titre de Maire, Echevins et Conseillers.
La qualification des échevins est maintenant de £750. Celle des
conseillers de £500.³⁹*

(144)

and after some time spent therein,

Mr. Speaker resumed the Chair,

*And Mr. Johnston reported that the Committee had made some progress,
and had directed him to move for leave to sit again.*

*Ordered, That the said Committee have leave to sit again, on Thursday
next.*

Canada Inland
Assurance
Company.

*Ordered That the Order of the Day for the Second
Reading of the Bill to authorize the Chairman
of the Committee of the Canada Inland Forwarding
and Insurance Company to sue for and recover
debts due to the Company; lost by the adjournment of the House of
Saturday last, be received, and that the said Bill be read a second time
tomorrow.*

*Then on motion of Mr. DeWitt, seconded by Mr. Johnston,
The House adjourned.*

FOOTNOTES - 20 NOVEMBER 1843.

1. "Praying that the Assessment Bill, without considerable modification of certain clauses, might not pass." KINGSTON CHRONICLE, 22 November 1843.
2. The debate on the following was reported in: LA MINERVE, 25, 27 November 1843; and BRITISH COLONIST, 24 November 1843.
3. LA MINERVE, 27 November 1843.
4. BRITISH COLONIST, 24 November 1843.
5. IBID.
6. IBID.
7. IBID.
8. LA MINERVE, 27 November 1843.
9. IBID.
10. BRITISH COLONIST, 24 November 1843.
11. The debate on this matter was reported in: LA MINERVE, 27 November 1843; KINGSTON CHRONICLE, 22 November 1843; and BRITISH COLONIST, 24 November 1843.
12. BRITISH COLONIST, 24 November 1843.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this matter was reported in: LA MINERVE, 27 November 1843; KINGSTON CHRONICLE, 22 November 1843; and BRITISH COLONIST, 24 November 1843.
17. BRITISH COLONIST, 24 November 1843.
18. IBID.
19. LA MINERVE, 27 November 1843.
20. BRITISH COLONIST, 24 November 1843.
21. IBID.
22. LA MINERVE, 27 November 1843.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. BRITISH COLONIST, 24 November 1843.
30. LA MINERVE, 27 November 1843.
31. IBID.
32. IBID.
33. IBID.
34. IBID.
35. IBID.
36. BRITISH COLONIST, 24 November 1843.
37. IBID.
38. IBID.
39. LA MINERVE, 25 November 1843.

TUESDAY, 21 NOVEMBER 1843.

(144)

THE following Petition was brought up, and laid on the table:--

Petition of Josiah
Hebbart.

By Mr. Turcotte--The Petition of Josiah Hebbart and others, Censitaires of the Fief Mary Ann, in the Seigniorly of De Lanaudière, District of Three Rivers.

Episcopal College
Quebec.

An Engrossed Bill, to incorporate the Diocesan College of the Protestant Episcopal Diocese of Quebec, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act to incorporate Bishop's College, in the Diocese of Quebec."

Ordered, That Mr. Hale do carry the said Bill to the Legislative Council, and desire their concurrence.

Preservation of
Fish in waters
of Stanstead,
& c.

An Engrossed Bill for the better preservation of certain species of Fish, in the Rivers and Waters of the Counties of Stanstead, Sherbrooke, Missisquoi, and Shefford, was read for the third time.

Resolved, That the Bill do pass, and the title be, "An Act for the better preservation of certain species of Fish, in the Rivers and Waters, of the Counties therein mentioned."

Ordered, That Mr. Child do carry the said Bill to the Legislative Council, and desire their concurrence.

Indian Lands.

Ordered, That the Return to the address of this House, of the tenth instant, for copies of two Petitions relating to Indian Lands, laid before the House on the seventeenth instant, by command of His Excellency the Governor General, be referred to the Select Committee appointed to take into consideration the system of granting Indian Lands, in the Districts of Niagara and Gore.

Message from
Leg. Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:

Montreal Water
Works.

"An Act to authorize the Mayor, Aldermen and Citizens, of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works."

Returns of
Process.

"An Act to render more summary the means of enforcing the Returns of Process by Sheriffs and

Coroners, in that part of the Province called Upper Canada."

Les Dames
Religieuses
& c.

"An Act to Incorporate "Les Dames Religieuses du Sacré Coeur de Jésus," of the Parish of St. Jacques de L'Achigan, in the District of Montreal, for the purposes of Education."

Boyer Bridge.

"An Act to renew and continue for a certain time, the privileges granted by a certain Act of Lower Canada therein mentioned, to Alexis Gosselin and his heirs and Assigns, with regard to a certain Bridge over the River Boyer, in the County of Bellechasse."

Game Bill.

"An Act to prohibit the hunting and killing of Deer and other game, within this Province, at certain seasons of the year."

And also,

The Legislative Council have passed the following Bills, with amendments, to which they desire the concurrence of the Assembly:--

Gaspé Fishery.

"An Act to Incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of St. Lawrence, and Coal Mining, in the said District."

Religious Soci-
eties Lands.

"An Act to enable Religious Societies, of all Denominations of Christians, (in that part of the Province called Upper Canada) to hold Lands requisite for certain purposes therein mentioned."

And then he withdrew.

Petitions Niagara
Municipal District.

Mr. Merritt moved, seconded by Mr. Thompson, that the Petition of the Niagara Municipal District Council, praying that the moneys arising from Licenses raised within the District from the sale of Spirituous Liquors and otherwise, be retained within the said District, for District purposes, including the local administration of Justice; and also the Petition that the said Council may have the power to impose a Tax upon Dogs within their District, the proceeds to be also appropriated for District purposes; be referred to the Committee of the whole House on the Bill to provide for the Incorporation of Townships, Towns, Counties, and Cities, in Upper Canada.¹

MR. BALDWIN rose to oppose the motion. The learned Attorney-General said, that having such engagements to fulfill with regard to public works, however the revenue derived from this source might benefit the local authorities, it could not for a moment be supposed, that the government would consent to give it up. To go into committee upon the

subject, would only raise an expectation, that would be disappointed, the state of the revenue being such, that the proposition could not be entertained. The reference made to the deficiency in the revenue in the speech of His Excellency the Governor General, at the opening of the session, ought to have convinced every hon. member, of the utter impossibility of surrendering up any portion of it, on the part of the government, without requiring either any explanation or argument in resisting the present application. Were the condition of the country however, different from what it was, he (Mr. Baldwin) would most cheerfully accede to the proposal. But as it was, as we had incurred weighty and sacred obligations, which upon every principle of honour and good faith must be fulfilled, he trusted that the motion would not be pressed, as he felt confident, that the House would agree with him, that it could not be supported.²

MR. H. SHERWOOD hoped that this privilege would be granted to the different localities in Upper Canada. Quebec and Montreal enjoyed it, and why should not Toronto and the other large towns in the western section of the Province?³

MR. AYLWIN said, that was over and above the Provincial tax.⁴

MR. ((H.)) SHERWOOD - Allowing that to be the case, precisely in the same way, might a large revenue be raised in Upper Canada, from hotel, tavern, and other licenses. He (Mr. Sherwood) hoped therefore, that the motion would prevail, that the committee might inquire whether the object could be attained or not.⁵

MR. BOULTON spoke in support of the motion. Taking a review of the prayer of the petition, the tone of his remarks went to show, that taxes of this nature ought to be applied to local purposes in the district, such as jails, court houses, and other expenses, connected with the administration of justice.⁶

SIR A. N. MACNAB said, that the House seldom refused to entertain the proposition of referring a petition when it was desired. It was the duty of the government to accede to the request. The committee would then ascertain, in what position the finances of the country really were, and whether the prayer of the petitioners could be granted or not.⁷

COL. PRINCE said, the answer was simple enough, and ought to be deemed satisfactory - the state of the country would not admit of relinquishing the revenue derived from this source. Whatever might be urged as to the propriety of placing such funds at the disposal of corporations, it was well known that hitherto, owing to this privilege, a great power had been placed in their hands, which it was felt desirable to diminish rather than increase. With reference to the tax on dogs, he was of opinion, that a large revenue might very properly be raised from this source; as there was an immense number, by which it appeared that the owners set a great value upon them.⁸

MR. LAFONTAINE left it to the house to say, whether tavern licenses did not form a part of the revenues of the province, before the union. It was so in Lower Canada, but Montreal and Quebec had been allowed to impose an additional tax, for local purposes. He once thought that he had merely dreamed, when he believed that the debt of the province had been incurred by Upper Canada. But, from the speeches he had lately heard in the house, he began to think that it was a reality. - With regard to that part of the motion, relating to applying this revenue to the administration of justice; that was a subject that had been discussed a few evenings ago, without eliciting any necessity for another opinion upon it. The reason that Lower Canada, had no funds in reserve to apply to local purposes was, because they had been expended to pay the debt contracted by Upper Canada. When the revenue was known to be deficient, was it possible that it could be seriously proposed to reduce it still further? If however, when it was proposed to apply, this revenue to local purposes, a sum equal in amount had also been proposed to be raised to supply its place, it would have been a different thing. He was surprised that this motion should have emanated from the member for North Lincoln, but he was still more surprised at the part taken by the member for the town of Niagara, with regard to it. -⁹ L'honorable et savant membre pour Niagara, qui était sans doute un des meilleurs et des plus sincères appuis de l'administration, faisait de l'opposition sans le savoir, avec plus de tact et de talent que l'opposition elle-même, et que ceux qui se piquaient d'en faire partie devaient lui témoigner leur reconnaissance et lui ériger un monument. (L'hilarité générale ... s'est aussitôt manifestée dans la chambre.) L'honorable orateur a fait remarquer que la question avait pourtant été décidée l'autre jour lors d'une première motion sur la matière et qui tendait à obtenir communication des états statistiques (sic) des revenus dont il s'agit, états qui ont été en effet fournis. A cette occasion on avait fait des discours qui trahissaient un esprit de mesquinerie et des sentiments de rivalité et d'injustice de la part d'honorables membres du Haut-Canada envers le Bas-Canada, et la même chose se renouvelait encore aujourd'hui. Il leur a dit qu'il ne devait pas laisser passer cette nouvelle occasion sans leur rappeler combien de pareilles prétentions de leur part étaient déplacées et pernicieuses pour l'intérêt général et surtout injuste vis-à-vis du Bas-Canada. Il leur a fait de l'état respectif des deux provinces, lors de l'union, un tableau fidèle et qui mettait leurs prétentions dans le contraste le plus frappant. Il a dit qu'on ne devait pas oublier que la dette énorme du Haut-Canada avait été imposée au Bas-Canada, une dette que nous n'avions pas contractée et à laquelle nous n'avions jamais consenti. Comment, s'est-il écrié, avez-vous fait relever vos affaires de l'état de banqueroute où votre imprévoyance les avait placées? C'est à même l'argent du Bas-Canada. A l'union nous avions un revenu disponible de £90,000, et pas de dette. Le Haut-Canada était affaibli sous le poids de sa dette, et non seulement on en a imposé le capital au Bas-Canada, mais c'est encore le Bas-Canada qui en paie les intérêts. Le Bas-Canada a été maltraité par l'union, à ce point qu'on lui a interdit l'usage de sa langue. Et

c'est en face de pareils faits qu'on veut aujourd'hui reprocher au Bas-Canada une misérable somme de quelques milliers de louis pour l'administration de la justice ! Qu'on se rappelle que l'union même a été imposée au Bas-Canada. Je prie surtout, a dit M. La Fontaine, les réformistes du Haut-Canada de se rappeler que si le peuple du Bas-Canada voulait à présent agiter le rappel de l'union il ne manquerait pas d'adhérens dans le Haut-Canada même, d'amis qui ne demanderaient pas mieux que de se joindre à lui pour opérer cet objet. Il a ajouté en terminant qu'il était convaincu que son savant ami (monsieur Boulton) était sincère dans son désir de faire le bien, mais qu'en même temps on devait avouer que dans son zèle pour supporter l'administration il lui arrivait de se méprendre singulièrement.¹⁰

MR. MERRITT said, if he had thought his proposition would have affected the revenue he would have been the last person to have submitted it. - The petition had been put into his hand by the warden of the district, he could not, therefore, withdraw his motion. Let it be referred to a committee of the whole, - and if necessary, then to a special committee, to report upon it. Were a judicious committee to investigate the matter, he was of opinion that good might result from it. - Although a pressure existed at present, he had no apprehension as to the resources of the country. - It was young and vigorous and would redeem the whole of its debt. He had no desire to embarrass the government, but did not see how he could withdraw his motion. If it was not approved of, it would be left to the discretion of the house to reject it.¹¹

MR. CAMERON said, tht the revenue proposed to be taken away amounted to rather more than £30,000, - £18,000 of which was raised in Upper and the remainder in Lower Canada. With regard to the public works, the tolls on the Welland Canal were likely to be diminished this year, to the extent of £10,000; the revenue, therefore, would not admit of being reduced. From the arrangements in progress, he was of opinion, that in 1844, instead of this revenue amounting £30,000 it would be increased to £50,000.¹²

MR. H. SHERWOOD said that the inferences that were continually drawn by the Attorney-General East, from the union of the two provinces, reminded him of what had been said about marrying a rich heiress, that she would always be taunting you about the dower she had brought. It was in this spirit that it was continually reflected upon Upper Canada, that it was by marrying her wealthy sister she had alone been rescued from poverty. He (Mr. Sherwood) had always considered and still thought that the public works benefited Lower as well as Upper Canada, and that the burthen of them had a right to be borne equally. As to the allusion which the Attorney-General East had made to the member for the town of Niagara, (Mr. Boulton) being a warm supporter of the government, and not belonging to the opposition; he (Mr. Boulton) belonged to neither side; he was the "Young England" of the province; and into which scale

soever (sic) he condescended to cast his influence, the effect, no doubt, would be overwhelming. Instead, therefore, of the hon. member (Mr. Boulton) being taunted with the part he deemed it prudent to pursue, his coyness ought rather to be courted by the Attorney-General East. Taking into consideration the privilege of Quebec and Montreal to impose a tax for local purposes over and above the provincial tax of £5 or £7 10s., he (Mr. Sherwood) would move an amendment, that the petition be referred to a select committee of five members.¹³

(144)

The Honourable Mr. Sherwood moved, in amendment, seconded by Sir Allan N. McNab, that all the words after "be referred to," in the said motion, be struck out, and the following substituted, "a Select Committee of five Members; with power to send for persons, papers, and records, and to report thereon."

MR. BOULTON said that he had supported the government only upon principle, and would continue to do so as long as he consistently could, let what remarks be made that might. He was desirous of seeing justice done to Upper Canada, in this particular, which he did not think was the case. Taking the public accounts, it appeared in the item of tavern licences and other things, that Upper Canada paid twice the amount that Lower Canada did, amounting to £40,000 by assessment, and £13,000 for licenses. A sum equal to the latter, was taken directly out of the revenue for the administration of justice in Lower Canada; and all that he (Mr. Boulton) desired, was, that Upper Canada should have the same privilege. The hon. member made several remarks relative to the public works, showing that Lower Canada was impoverished. He trusted the petition would be referred, and the matter investigated.¹⁴

MR. HINCKS said, that it was desirous that the union should work harmoniously. Comparisons between Upper and Lower Canada, should cease to be drawn by hon. members. He would repeat his former remarks, that the charge for the administration of justice in Lower Canada, was as much a charge upon the consolidated revenue, as the debt was. With regard to the public works being equally beneficial to Lower as well as Upper Canada, suppose it was merely two individuals that had become involved in them, would one have taken them up at an enormous expense, extravagantly incurred by the other, without any stipulation? No; they would have been valued, and the transaction would have been made a fair one. It was with reference to this that Lower Canada complained; and justly too. If the people in Upper Canada had been taxed higher than those in Lower Canada, why was it? Because the magistrates had imposed these taxes. For example, in Niagara, where tavern licenses had been raised to ten pounds. The government was desirous of one uniform system of taxation, and had brought forward measures accordingly. As to tavern keepers and others, who contributed their share to the local taxes, he (Mr. Hincks) did not see why they should be taxed still further, distinct from other occupations. Believing that the motion had been brought

forward injuriously, he would move ... an amendment¹⁵.

(144)

The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Solicitor General Small, that the further consideration of the said motion and amendment be postponed.

SIR A. MACNAB said that by this amendment the hon. Inspector General evidently wished to evade recording his vote upon the question. As to the warning given by the Attorney General East to Reformers, to the effect that if they did not support him he would dissolve the union, he was at liberty to try that experiment as soon as he pleased. The majority of the public works were a credit to Upper Canada, and if anything had been lost by Lower Canada by the Union, he (Sir A. McNab) was of opinion, that it could not be said that Upper Canada had gained it.¹⁶

MR. BOSWELL followed and in his remarks stated that he had always considered that by the union Lower Canada had the best of the bargain.¹⁷

MR. PARKE also among other observations expressed an opinion that the tolls on the public works eventually would pay, notwithstanding apprehensions expressed to the contrary.¹⁸

MR. SIMPSON made a remark that appeared to have escaped other hon. gentlemen, - that the licence money could not be appropriated, as a portion of it was imposed by an act of the Imperial Parliament.¹⁹

MR. SHERWOOD and MR. AYLWIN spoke at great length after this, chiefly however with reference to the Union.²⁰

M. DURAND ... ((et)) M. NEILSON ... ((ont)) aussi parlé dans le même sens.²¹

MR. CARTWRIGHT also addressed the House maintaining that the assessment bill had alone originated the motion, which was another proof of the odium with which it was received throughout Upper Canada.²²

(144)

The Question having been put upon the said motion, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOSWELL, BOUTILLIER, CAMERON, CHABOT, CHILD, CHRISTIE, COOK, DALY, DE WITT, DURAND, FORBES, FOSTER, HAMILTON, HINCKS, HOLMES, JOBIN, JOHNSTON, JONES, JUDAH, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, MOORE, MORIN,

MORRIS, NEILSON, NOEL, PAPINEAU, PARKE, PRINCE, QUESNEL, SIMPSON, SMALL, HARMANNUS SMITH, TACHE, TURCOTTE, D. B. VIGER, L. M. VIGER, WAKEFIELD, and WATTS.--(47.)

(145)

NAYS.

Messieurs BOULTON, CARTWRIGHT, CHESLEY, DUGGAN, HOPKINS, SIR ALLAN N. MACNAB, J. S. MACDONALD, MCLEAN, MERRITT, MURNEY, ROBLIN, HENRY SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, and THOMPSON.--(15.)

So it was carried in the Affirmative, and

Ordered accordingly.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Crown Lands.

Return to an Address of the Legislative Assembly, to the Governor General, bearing date the 27th ult. praying that His Excellency will be pleased to cause to be laid before the House, a Tabular Return of the several Agents and other persons employed by the Commissioner of Crown Lands, during and subsequent to 1840, and who are accountable to the Government for the receipt of moneys in that Department; designating the name of the Agent or other person employed, the date of his appointment, whether on the permanent establishment or for a temporary occasion, the amount outstanding in the hands of such Agent on the 1st September of each year inclusive, and the reason of the detention thereof, the Salary, percentage, or other emolument receivable by such persons.

(For the said Return see Appendix H. H.)

And also,

Marriage
License Fee
Fund.

Return to an Address from the House of Assembly to His Excellency, the Governor General, praying that His Excellency would be pleased to cause to be laid before them, a copy of the Minute or Minutes of the Honourable the Executive Council, on the Report of the Honourable the Inspector General, on the Marriage License Fee Fund, respecting its future disposition, or so much thereof, or such other information respecting the Fees on Marriage Licenses, as His Excellency may be disposed to communicate to them.

By Command,

D. Daly,
Secretary.

Secretary's Office
Kingston, November, 1843.

(Copy.)

To His Excellency, the Right Honourable Sir Charles T. Metcalfe, Baronet,
and G. C. B., Governor General of British North America, &c. &c. &c.

(In Council, 4th Oct. 1843, Approved. (Signed,) C. T. M.)

Report of a Committee of the Executive Council. Present: The Honourable Mr. Junk, in the Chair, Mr. Daly, Mr. Lafontaine, Mr. Aylwin, Mr. Baldwin, and Mr. Worror, on the Report of the Inspector General on the Accounts of T. D. Harrington, Esquire, of Fees received by him on Marriage Licenses, from 10th February, 1841, to 31st Dec. 1842.

MAY IT PLEASE YOUR EXCELLENCY:

The Committee of Council concur in the opinion expressed by the Inspector General in relation to the disposal of the funds arising from the sale of Marriage Licenses.

The subject has repeatedly occasioned discussion in the popular branch of the Legislature, and has given rise to great complaints, which the Committee of Council are compelled to acknowledge to be well founded. The proceeds of this Fund are Public Moneys, which can be appropriated only by Parliament.

The Committee, however, considering that the express sanction of Your Excellency's Predecessors has been given to the general items of expenditure in Mr. Harrington's account, would recommend that the same be allowed and passed.

With reference to the future, the Committee respectfully suggest that the whole amount of this fund be accounted for by the Provincial Secretary, without any deduction whatever, either by Commission or otherwise, and that the proceeds be paid over quarterly by him to the Receiver General for the public service.

All which is respectfully submitted

By order,

(Signed,)

John H. Dunn,
Chairman.

Council Chamber,
Kingston, 29th Sept., 1843. }

GOVERNOR GENERAL:

I have approved the Report of a Committee of the Executive Council, suggesting that in future the whole amount of the Fund, arising from the Fees on Marriage Licenses be accounted for by the Provincial Secretary, and that the proceeds be paid over quarterly to the Receiver General for

the Public Service, because I am decidedly of opinion that there is no reason for regarding that Fund otherwise than as Public Revenue to be appropriated only by Parliament.

It appears, however, that allowances have been paid from this fund, with the express sanction, and by orders of my predecessors, Lord Sydenham and Sir Charles Bagot, to the Provincial Secretaries, as a remuneration for losses sustained by the alienation of the Fees, and to Mr. Harington as a commission for the expenses and trouble of collection, and a request that the Committee of the Executive Council will consider and report, (Mr. Harrison's claim having ceased by his resignation of office,) on the claims of Mr. Daly and Mr. Harington respectively, as incumbents, to a continuance of the allowances hitherto received by them from the Fund in question.

The claims of incumbents are generally treated with consideration, and although the reduction of expenditure is obviously a public benefit, if that consideration alone were to operate to the exclusion of equitable regard to the claims of individuals, no one could be safe as to the continuance of any grant of public money, however legitimately obtained.

(Signed,)

C. T. Metcalfe.

Ordered, That the said Return on the subject of the Marriage License Fee Fund, be printed for the use of the Members of this House.

On motion of the Honourable Mr. Solicitor General Small, seconded by the Honourable Mr. Solicitor General Aylwin,

District Courts. Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the propriety of repealing certain parts of, and to amend an Act of the Parliament of Upper Canada passed in the second year of the Reign of His late Majesty, King George the Fourth, intituled, "An Act to reduce into one Act, the several Laws now in force establishing District Courts, and regulating the practice thereof; and also to extend the powers of the said District Courts."--and also to repeal certain parts of, and to amend a certain Act of the Parliament of this Province,

(146)

passed in the Session held in the fourth and fifth years of the Reign of Her present Majesty, intituled, "An Act to alter and amend the Laws now in force, in that part of this Province formerly Upper Canada, regulating the District Courts," and to alter the name and extend the jurisdiction of the said Courts, and to provide for the payment of the Clerks of the said Courts by Fees instead of fixed Salaries.

The House accordingly resolved itself into the said Committee.

Mr. Chesley took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Chesley reported that the Committee had come to a Resolution; which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved, That it is expedient to repeal certain parts of and to amend an Act of the Parliament of Upper Canada, passed in the second year of the Reign of His late Majesty, King George the Fourth, and entitled, "An Act to reduce into one Act the several Laws now in force establishing District Courts, and regulating the practice thereof, and also to extend the powers of the said District Courts," and also to repeal certain parts of, and to amend a certain Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of the Reign of Her present Majesty, intituled, "An Act to alter and amend the Laws now in force in that part of this Province formerly Upper Canada, regulating the District Courts," and to alter the name and extend the Jurisdiction of the said Courts, and to provide for the payment of the Clerks of the said Courts, by Fees instead of fixed Salaries.

Ordered, That the Honourable Mr. Solicitor General Small, have leave to bring in a Bill to repeal certain parts of, and to amend the Acts establishing and regulating the District Courts in Upper Canada, and to change the name of the said Courts.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Monday next.

On motion of Mr. Christie, seconded by Mr. DeWitt.

Gaspe Fishery. Ordered, That the amendment made by the Legislative Council to the Bill, intituled, "An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory and others, forming a Joint Stock Company, for carrying on the Fishery in the Gaspé District and Gulf of St. Lawrence, and Coal Mining in the said District; be now taken into consideration.

The House proceeded, accordingly, to take the said amendment into consideration,

And the said amendment was read, and is as followeth:--

Press 12. Line 3.--After the twenty-sixth clause, insert the following clause, "Provided always, and be it enacted, that nothing in this Act contained shall be held to authorise or warrant the said Corporation to act as Bankers, or to issue or keep in circulation Notes in the nature of Bank Notes, or to make such Notes valid in law, if issued by or in the name of the said Corporation.
And the said amendment being again read, it was agreed to by the House.
Ordered, That Mr. Christie do carry back the said Bill to the Legislative Council, and acquaint their Honours, that this House hath agreed to their amendment.

Small Causes,
Lower Canada.

Mr. Boutillier, from the Committee of the whole House, on the Bill to provide for the summary trial of small Causes in Lower Canada, reported, according to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerks Table, and agreed to by the House.

Ordered, That the said Bill as amended, be engrossed.

Johnstown District
Gaol and Court
House.

The Order of the day for the second reading of the Bill to declare a debt contracted by the Committee of Magistrates, of the Johnstown District, to enable them to complete the new Gaol and Court House of said District, to be a debt payable by the District Council, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Chartered Banks.

The Order of the day, for the second reading of the Bill, to authorise the chartered Banks of the Province to open books in the United Kingdom for the transfer of their Stock, being read,

Ordered, That the said Bill be read a second time, on Tuesday next.

Township of
Gore Bill.

The Order of the day for the second reading of the Bill, to detach the Township of Gore from the County of Terrebonne, and to annex it to the County of Two Mountains, being read,

The said Bill was accordingly read, and referred to a select Committee composed of Mr. Forbes, the Honourable Mr. Morin, and Mr. Simpson, to report thereon with all convenient speed; with power to send for persons, papers and records.

Lancaster
Road.

The Order of the day for the second reading of the Bill, for the opening of a road from Coteau du Lac to Dundas Street, through the third concession of Lancaster, being read,

Ordered, That the said Bill be read a second time, on Tuesday next.

Canada Inland
Assurance Co.

The Order of the day for the second reading of the Bill, to authorise the Chairman of the Committee of the Canada Inland Forwarding and Insurance Company, to sue for and recover debts due to the Company, being read,

The said Bill was accordingly read.

Ordered, That the following amendment be made to the said Bill;

At the end of the first Clause, add the words:--

"and that any judgment rendered against such Chairman, acting as aforesaid, shall be deemed to be a judgment binding against the Members of the said Company, and upon which Execution may issue against all or any of the Members of the said Company, or upon a

judgment against him or them in his or their private capacity."
Ordered, That the said Bill, as amended, be engrossed.

Privileges and Elections.

The Order of the day for taking into consideration the first Report of the Standing Committee of Privileges and Elections, being read,

The House proceeded accordingly to take the said Report into consideration; and the said Report being again read,

Resolved, That this House doth concur with the Committee in the said Report.

N. A. Colonial Association of Ireland.

The Order of the day for the House in Committee on the Bill to give further powers to the North American Colonial Association of Ireland, being read,

(147)

Resolved, That this House will, on Friday next, resolve itself into the said Committee.

Upper Canada Loan & Trust Company.

The Order of the day for the House in Committee on the Bill for incorporating and granting certain powers to the Upper Canada Trust and Loan Company, being read,

Resolved, That this House will, on Friday next, resolve itself into the said Committee.

Private Bills.

Ordered, That the fourth Report of the Standing Committee on Private Bills, which has reference

to the Petitions of Eden Colville, and Thomas Corbett, together with the evidence taken on the same, be printed for the use of the Members of this House.

Report on Petition of J. H. Lambe and others.

The Order of the day for the House in Committee on the Report of the Special Committee to which was referred the Petition of J. Henry Lambe and others, of the City and Parish of Montreal, (relating to the commutation with the Censitaires of Nazareth and other

Piefs) and another Reference, being read,

The House accordingly resolved itself into the said Committee.

Mr. Wakefield took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Wakefield reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

*Then on motion of the Honourable Mr. Viger, seconded by Mr. Chabot,
The House adjourned.*

FOOTNOTES - 21 NOVEMBER 1843.

1. The debate on this matter was reported in: LA MINERVE, 27 November 1843; KINGSTON CHRONICLE, 22 November 1843; and BRITISH COLONIST, 27 November 1843, in an account identical to that of MONTREAL GAZETTE, 28 November 1843.
2. BRITISH COLONIST, 27 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. LA MINERVE, 27 November 1843.
11. BRITISH COLONIST, 27 November 1843.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. LA MINERVE, 27 November 1843.
22. BRITISH COLONIST, 27 November 1843.

WEDNESDAY, 22 NOVEMBER 1843.

(147)

Two Petitions
brought up.

THE following Petitions were severally brought up and laid on the Table:--

By Mr. Christie--The Petition of Alexander Joseph Wolff, of the settlement of Valcartier, in the County and District of Quebec.

By Mr. Henry Smith--The Petition of John Waldron, and others, Inhabitants of the Township of Loborough, and other places.

Banking
liabilities.

An engrossed Bill, to relieve the Shareholders of the several Banks therein mentioned from liability beyond the amount of the Shares subscribed, and for that purpose to amend the several Acts creating such liabilities, being read,

The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Attorney General Baldwin, that the said Bill be read for the third time upon this day six months.¹

MR. HINCKS said, that in consequence of the very small majority in favour of the bill, repealing the double security clause in the Bank charters, he would move that the bill be read that day six months. Whatever might be the opinions entertained by pursuing this course, it was in accordance with Parliamentary practice. The government as far as lay in its power, had also redeemed the pledge given to the Banks.²

COLONEL PRINCE instanced the case of Queen Caroline, where the bill imposing pains and penalties upon Her Majesty, had been withdrawn, owing to the small majority in support of it.³

SIR ALLAN MACNAB thought that the principle of Responsible Government, upon which the hon. gentleman (sic) held office, called upon them to take another course when they could not carry their measures, and that was to resign their places.⁴

MR. BALDWIN remained of the same opinion with regard to the principle of the Bill. He did not think the clause was productive of that amount of benefit which so many seemed to think. But he thought they would not be properly performing their duty, nor would it be consistent with the respect they owed to the house, to press a measure with such a small majority. The hon. and gallant Knight need not entertain any apprehension that they would not resign when they had lost the confidence of the house; but as they did not profess to bring in all their measures perfect, and as this Bill was not connected in any way with the general policy of the Government, he did not think they should resort to the course pointed out by the hon. and gallant Knight.⁵

SIR ALLAN ((MACNAB)) still thought when Ministers could not carry their Bills that they left their seats. A pledge had been given by the Government

to get the double security clause expunged, and, notwithstanding this, they had now abandoned the measure.⁶

(147)

Sir Allan N. MacNab moved in amendment, seconded by Mr. Henry Smith, that all the words after "time," in the said motion be struck out, and the word "tomorrow" substituted.

MR. HINCKS thought the pledge had been redeemed. It had been stated, upon a former occasion, that the double security clause was passed by the direction of the Imperial Government, the then Governor General not having it in his power to assent to any Bank charter Bill without it; and the pledge was then given that the Provincial Administration should lend their assistance in abolishing it, when the Governor General possessed the requisite powers. It was now a matter with this house, and they had decided by so small a majority - a majority of only one - that they thought it their duty to withdraw it.⁷

COL. PRINCE said that though it might appear inconsistent, since he had voted for the measure yesterday, yet he would now vote against the motion of the hon. and gallant Knight. The motion before the house was evidently made to embarrass the Ministry. Now, he was a supporter of the Ministry, and he would continue to be so, so long as he thought them right. He considered it perfectly right, under the circumstances, that the Bill should be withdrawn, yet there seemed to be a want of precedent on the part of former Administrations, who carried their measures by a majority of one. He opposed the principle of the double security clause, for it was his opinion that it prevented capital from coming into the country. With respect to the circumstance of abandoning measures carried through the house by a small majority, it was acting according to British practice, and he was glad to see that the present Administration had made it a point to adhere to that practice as closely as possible throughout the session. He remembered that on the trial of Queen Caroline, the Bill was abandoned, though there was a majority of 9⁸ -

A voice, 27⁹.

((COL. PRINCE continued:)) because the House of Commons was desirous of paying deference to public opinion; and the same deference was now paid to public opinion in this country by withdrawing the present Bill. Much as had been said respecting the present Administration, he had no hesitation in saying that their measures, upon the whole, were the best that had ever been introduced into Canada since he had the honor of a seat in the Legislature. He would therefore not take any course that would in any way embarrass them, and would vote for the motion of the Inspector General.¹⁰

MR. LAFONTAINE was of opinion that the present motion could have nothing else for its object than to embarrass the Administration. The majority

was small - so small that the hon. and gallant Knight thinks that the Administration should resign. Now that there was not a larger majority for the Administration upon that measure, was undoubtedly owing to the circumstance of the hon. and gallant Knight having voted with them. (Laughter.)¹¹

MR. PRICE said a few words in consequence of the observations of the hon. and gallant Knight. It was well known that Sir Robert Peel was defeated upon many questions, which did not involve the general policy of the Government - yet he did not think of resigning. Many instances of this could be given. One was fresh in their recollection. He alluded to the Factory Bill; they were compelled to withdraw it because it was so unpopular in the country.¹²

MR. WILLIAMS was against the double security clause, and he would vote consistently; of course he voted against the Administration.¹³

MR. WAKEFIELD said, that he had voted with the government for the bill, and as circumstances had suggested the withdrawal of it, he would also vote with the government in support of the motion which was virtually against it, - the one vote he deemed quite as consistent as the other.¹⁴

MR. ((H.)) SHERWOOD remarked, that the government were merely acting according to the principle of holding office by a majority of votes - if therefore, as in this case, they could not carry a measure by a majority, they could withdraw it by a majority.¹⁵

(147)

The question having been put upon the motion of amendment, a division ensued, and it passed in the negative.

The question being then put upon the main motion, the House divided thereon, and the names being called for, they were taken down as followeth:

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BLACK, CHABOT, CHESLEY, CHILD, CHRISTIE, COOK, DERBISHIRE, DE WITT, DUGGAN, DURAND, FORBES, HAMILTON, HINCKS, HOLMES, HOPKINS, JOBIN, JOHNSTON, JUDAH, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, J. S. MACDONALD, MCLEAN, MORIN, MURNEY, NEILSON, NOEL, PARKE, PRICE, PRINCE, QUESNEL, ROBLIN, SIMPSON, HENRY SMITH, HARMANNUS SMITH, HENRY SHERWOOD, TACHE, TURCOTTE, D. B. VIGER, L. M. VIGER, WAKEFIELD, and WOODS.--(47.)

NAYS.

Messieurs BOSWELL, SIR ALLAN N. MACNAB, MERRITT, and WILLIAMS.--(4.)

*So it was carried in the Affirmative, and
Ordered accordingly.*

Small Causes,
Lower Canada.

*An Engrossed Bill to provide for the summary
trial of Small Causes in Lower Canada, was read for
the third time.*

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Attorney General Lafontaine do carry
the said Bill to the Legislative Council, and desire their
concurrence.

Timber
Inspection &c.

*An Engrossed Bill to regulate the Inspection
and Measurement of Timber, Masts, Spars, Deals,
and other articles of a like nature, was read for
the third time.*

Resolved, That the Bill do pass, and the Title be "An Act to regulate
the Inspection and Measurement of Timber, Masts, Spars, Deals,
Staves, and other articles of a like nature."

Ordered, That Mr. Cameron do carry the said Bill to the Legislative
Council, and desire their concurrence.

Canada Inland
Assurance Co.

*An Engrossed Bill to authorize the Chairman
of the Committee of the Canada Inland Forwarding
and Insurance Company to sue for and recover debts
due to the Company, was read for the third time.*

Resolved, That the Bill do pass.

Ordered, That Mr. Cameron do carry the said Bill to the Legislative
Council, and desire their concurrence.

Management
of Customs.

*An Engrossed Bill to provide for the management
of the Customs, and of matters relative to the
Collection of the Provincial Revenue, being read
for the third time,¹⁶*

MR. SIMPSON moved to have it recommitted, to allow the salary of a
collector to range as high as £500, instead of £400.¹⁷

The Speaker ((MR. CUVILLIER)) however, decided it as irregular.¹⁸

(147)

Mr. Simpson moved, seconded by Mr. Forbes, that the following
Engrossed Proviso be added, by way of Ryder, at the end of the fifth
Clause of the said Bill, and make part thereof:

"Provided nevertheless that this Section shall not apply to any
person or persons holding office at the passing of this Act, to whom
special permission shall have been or shall be given by the Governor or
the Commissioners of Revenue, to exercise any such other calling,
profession or employment, but that such special permission shall exempt

such officer or person from the provisions of this Section."

MR. HINCKS pointed out the necessity of the important duties under the Act, occupying the whole time of any one employed under it.¹⁹

(147)

The Question being put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs CARTWRIGHT, CHESLEY, DUGGAN, FORBES, HAMILTON, SIR ALLAN N. MACNAB, J. S. MACDONALD, MCLEAN, MURNEY, SIMPSON, HENRY SMITH, GEORGE SHERWOOD, HENRY SHERWOOD, and TACHE.--(14.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, CAMERON, CHABOT, CHRISTIE, COOK, DE WITT, DUNN, DURAND, HARRISON, HINCKS, HOLMES, HOPKINS, JOBIN, JOHNSTON, JONES, JUDAH,

(148)

LACOSTE, LAFONTAINE, LESLIE, MOORE, MORIN, MORRIS, NEILSON, NOEL, PAPINEAU, PARKE, PRICE, PRINCE, ROBLIN, HARMANNUS SMITH, STEWART, D. B. VIGER, L. M. VIGER, WAKEFIELD, WATTS, WILLIAMS, and WOODS.--(44.)

So it passed in the Negative.

The Honourable Mr. Hincks moved, seconded by Mr. Cameron, That the Bill do pass, and the Title be "An Act to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue."

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOSWELL, BOULTON, BOUTILLIER, CAMERON, CHABOT, CHESLEY, CHILD, CHRISTIE, COOK, DERBISHIRE, DE WITT, DUGGAN, DURAND, FORBES, HAMILTON, HARRISON, HINCKS, HOLMES, HOPKINS, JOBIN, JOHNSTON, JUDAH, LACOSTE, LAFONTAINE, LESLIE, D. MCDONALD, J. S. MACDONALD, MCLEAN, MOORE, MORIN, MORRIS, NEILSON, NOEL, PAPINEAU, PARKE, PRICE, PRINCE, QUESNEL, ROBLIN, SIMPSON, HARMANNUS SMITH, STEWART, TACHE, TURCOTTE, D. B. VIGER, L. M. VIGER, WAKEFIELD, WATTS, and WILLIAMS.--(56.)

NAYS.

Messieurs SIR ALLAN N. MACNAB, MURNEY, HENRY SMITH, GEORGE SHERWOOD, and HENRY SHERWOOD.--(5.)

So it was carried in the Affirmative and,
Resolved, Accordingly.

Ordered, That the Honourable Mr. Hincks do carry the said Bill to the Legislative Council, and desire their concurrence.

Gaol and Court
House Johnstown District.

An engrossed Bill to declare a debt contracted by the Committee of Magistrates of the Johnstown District, to enable them to complete the new Gaol and Court House of said District, to be a debt

payable by the District Council, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Morris do carry the said Bill to the Legislative Council, and desire their concurrence.

Message from
Leg. Council.

A Message from the Legislative Council, by John Pennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment.

La Banque du
Peuple.

"An Act to incorporate certain persons carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple."

La Congrega-
tion de Notre
Dame de Quebec.

"An Act to incorporate the Association called "La Congrégation de Notre Dame de Québec."

Official Acts,
Ottawa District.

"An Act to confirm and make valid certain Official Acts in the Offices of Registrar, Clerk of the Peace, Clerk of the District Court, and Registrar of the Surrogate Court, in and for the District of Ottawa."

And then he withdrew.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Robert Hodgins and others, Inhabitants of the Township of McGillivray, in the District of Huron; praying that the Township of Williams may not be detached from the said District.

Of James Murray and others, Inhabitants of the Township of Hay, in the District of Huron; praying that the Township of Williams may not be detached from the said District.

Of William Elder and others, Inhabitants of the Township of Usborne, in the District of Huron; praying that the Township of Williams may not be detached from the said District.

Of the Congregation of the Trinity Church at Chippewa, in the District of Niagara; praying to be indemnified for the loss of their Church, occasioned by incendiarism.

Of William Walker and others, a Committee appointed to consider the necessity of improving the road between Brantford and Hamilton; praying an aid for the completion of the said road.

Of John Morris and others, Inhabitants of the Parish of St. Jérôme and other places; praying that the Circuit Court for the said Parishes may be held at Ste. Thérèse rather than at Terrebonne.

Of the Board of Trade of the City of Toronto; praying that the Assessment Bill now before the Legislature may not be passed.

Of Henry Smith of the City of Toronto; complaining of his dismissal from the situation of Keeper of the Queen's Wharf and Light House, at Toronto, and praying relief.

Of the Presbyterian Church and Congregation of Cavan, in connection with the Synod of Canada; praying that the Bill now before the Legislature, to provide for the Temporalities of the Presbyterian Church, in Canada, may not pass into a Law.

Of Thomas Moore and others, Inhabitants of the District of Prince Edward; praying that all Religious Denominations may have equal rights in the management of the affairs of the Universities of King's College, at Toronto, and McGill College, at Montreal.

The Honourable Mr. Daly, one of Her Majesty's Executive Council, laid before the House, by command of His Excellency, the Governor General,

Wm. Moore
Kelly.

Return to an Address from the House of Assembly to His Excellency, the Governor General, praying His Excellency to cause to be laid before them, copies of all papers, documents and communications, relating in any way to the dismissal of William Moore Kelly, Esquire, from the situation of Collector of Customs, at the Port of Toronto.

(For the said Return see Appendix I. I.)

Petition from
Board of Trade
Toronto
referred.

Ordered, That the Petition of the Board of Trade of the City of Toronto, be referred to the Committee of the whole House, on the Bill to establish a more equal and just system of Assessment, in the several Townships, Towns and Cities, in Upper Canada,

Barbier
Natural-
ization.

Mr. Cartwright, from the Select Committee to which was referred the Bill, to naturalize Jacques Adrien, Pierre Barbier and Euphrasie Barbier, his wife, reported that the Committee had gone through the Bill, and had made an amendment thereto; which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

District of
Gaspé.

The Honourable Mr. Attorney General Lafontaine from the Special Committee to which was referred the Bill to establish the District of Gaspé,

(149)

and to provide for the due administration of Justice therein, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill be referred to a Committee of the whole House, tomorrow.

Imprisonment
for Debt.

The Honourable Mr. Boulton from the Special Committee, to which was referred the Bill to abolish imprisonment on Execution for Debt, and for the punishment of fraudulent Debtors, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the said Bill be referred to a Committee of the whole House, on Tuesday next.

Report on
Petition of the
Inhabitants of
Indian Reser-
vation, Eastern
District.

Mr. Chesley from the Select Committee, to which was referred the Petition of Alexander McDonald and others, Inhabitants of the Indian Reservation, in the Eastern District, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"That they proceeded in the enquiry referred to them, and took certain Evidence in the matter, which is hereunto appended.

"By this evidence it is established, that the Indian Tract was set apart as an Indian Reservation in 1785; that the Settlers thereon have been there since 1794, and that they are as industrious, loyal, intelligent, and well conducted as any other class of persons in the Province, and are all of Canadian French origin, or from the Mother Country. The evidence further proves, that although the nature of the tenure be leasehold of ninety-nine years, yet those leases have been recognized by the Government and a Superintendent appointed by the Governor, in order that the rents might be properly collected for the benefit of the Indians, for whose advantage the Tract was set apart. That the Inhabitants of this Tract have been assessed the same as in

other parts of the Province, and whilst they have contributed their portion of the wages of Members of Parliament, the privilege of electing them has hitherto been denied them.--whilst Settlers, exactly under similar circumstances, on the Indian Tract in the County of Beauharnois settled at a far more recent date, viz., since 1819, and holding their leases only for thirty years, and not called on to contribute their portion to the payment of wages of Members, have been and are allowed, the full and free exercise of the Elective Franchise.

"That before the Act of Union, the peculiar Constitution given to the Province of Upper Canada by the Imperial Act 31 George III, precluded the extension of the Elective Franchise to this description of title, but by the Act of Union this disability is now removed, and the Province has liberty to grant, fully and fairly to all, one of the most invaluable rights of the subjects of Great Britain,--that of electing their own Representatives.

"They therefore, most respectfully recommend that the prayer of the Petition be granted and that a Bill be introduced to carry this recommendation into effect.

"MINUTES OF EVIDENCE.

"Friday, 10th November, 1842.

"Colonel Donald McDonald called in, and examined:

"Will you be pleased to state your name, profession or calling?--
Donald McDonald, Colonel of the Glengarry Regiment, and formerly Member for the County of Glengarry.

Report on Pe-
tition of the
Inhabitants of
Indian Reser-
vation, Eastern
District.

"Are you acquainted with the Settlement upon the Indian Reservation in the County of Glengarry,--if so, how long?--what is the description of Settlers generally upon that Reservation?--are they such as in your opinion, would use a sound discretion in the exercise of the Elective Franchise?
--I am, and have been acquainted with the Settlement for the last forty years--indeed nearly from its commencement; I look upon the Settlers to be a most respectable class of Farmers, principally Highlanders, of great industry; there are also many Canadian families, loyal, industrious and well behaved, to whom the Elective Franchise might safely, and should justly, be extended.

"Were you present at a meeting held at Martintown, in the month of January last, by the Inhabitants on said Reservation,--If so, please state what took place at that Meeting, and your opinion thereon?--I was present at that Meeting; it was a fair representation of the intelligence and respectability of the Tract.--A Petition was presented at that Meeting, asking for the Elective Franchise, and was most fully and generally

concurred in, indeed without one dissenting voice.

"Are the Inhabitants on the Indian Reservation, in wealth, influence, enterprize and loyalty, equal to those in the surrounding Townships of the Eastern District?--Fully so, in every qualification equal to any part of the Province of Upper Canada, or that of Lower Canada, in which I have been.

"Are you aware that they are, and have been, since their earliest settlement on said Indian Reservation, rated and assessed alike with the other Inhabitants of the District?--Certainly they are, and always have been, even to the tax for the wages of Members of Parliament, though they were excluded from voting for and against, which they have long and loudly complained of.

"What is your opinion as to the propriety of conferring on those inhabitants the right to exercise the elective franchise, and the best mode to effect that object?--The first part of that question I have answered before; I cannot see why a distinction should have been made with persons similarly situated in other Provinces; those residing within the former limits of Lower Canada, have always exercised their elective rights, whereas those occupying lands under the same tenure in Upper Canada, have been denied that right; further I am informed that by a Provincial Act of Lower Canada, settlers under location tickets now, are entitled to vote for Members of the Provincial Parliament.

"Would the annexation of the Indian Reservation to the present constituency of Glengarry, tend to produce any political change or bias at future elections, or in other words, do they differ in any material points from the other inhabitants of the Country?--Certainly not, the composition of the people of that tract is the same as that of the County of Glengarry.

"Monday, 20th November, 1843.

"Lieutenant-Colonel Duncan McDonald, called in and examined:

"Be pleased to state your name, place of residence, profession and additions?--Duncan McDonald, Lieutenant-Colonel in the Militia, J. P., and Surveyor of Land.

"Are you acquainted with a tract of Land in the Eastern District of Western Canada, known as the Saint Régis Indians' Reservation--if so, state its position, length, breadth, and area of acres?--I am; upwards of 30,000 acres of land, twenty-five miles long, nearly two broad, bounded on the East by the Townships of Charlottenburg and Kenyon, on the West by Cornwall and Roxborough, in the rear by the Ottawa District, in front of the River Saint Lawrence.

(150)

"Did you ever assist, professionally, in running out and establishing the boundaries of said Reservation, and dividing it into Concessions

and Lots--if so, please state the time?--It was in 1809; I was practising with Mr. McCarty, Surveyor, when employed by the Indians to run the side-lines of the Indian Tract in question, that is the boundary side-lines. I did not assist in the division of lots and concessions, which had been done by previous Surveyors fifteen years before.

"Are you intimately acquainted with the inhabitants settled upon said Reservation; if so, please state your opinion of them with reference to their loyalty, industry, influence and wealth, compared with the other inhabitants generally of that District?--I am intimately acquainted with the settlers on the Tract, and have been so for the last forty years; their loyalty is unexceptionable, and they are a religious, moral people, as industrious also as in any part of the Province.

"Are you aware under what tenure the said inhabitants hold their several lots of land, if so, please state it?--Yes, under leases from the Indians of 99 years, renewable--I beg leave to offer to the Committee one of those leases (marked No. 1,)--witnessed by C. C. Farren, dated 16th February, 1805.

"Are you aware that they are, and have been since your earliest acquaintance with them, rated and assessed alike with the other inhabitants of the District?--Yes, I have often heard them complain of the payment of Members' wages, without a voice in their election.

"Have you reason to know that those inhabitants consider it a grievous hardship that they are not allowed to vote at Elections?--They deem it a great hardship.

"Are they, in your opinion, such as would use a sound discretion in the exercise of the Elective Franchise?--No people more so.

"Would the annexation of the Indian Reservation to the present electoral division of Glengarry, tend to produce any political change or bias at future Elections?--Certainly not, they would use sound and proper discretion."

"No. 1."

"(This was an Indenture or Lease by six Indian Chiefs and their Agent William Gray, to Peter Campbell, of two hundred Acres of Land, being Lots No. One and Two, in the Tenth concession of Nutfield, for the term of ninety-nine years,--The lessors obliging themselves to renew the lease at the expiration of the ninety-nine years, and every succeeding ninety-ninth year, until the period of one thousand years shall be completed and ended.

"Signed by the six Chiefs, William Gray, and Peter Campbell, in the presence of Charles C. Farren, dated tenth day of February, 1805.)"

"No. 2."

"Copy of a letter from Colonel Darling, Military Secretary, to Sir John Johnson, Baronet:--

"Military Secretary's Office,
Quebec, 12th February, 1822.

"Sir,

"I have to acknowledge the receipt of Mr. Archibald K. Johnson's letter of the 23rd ultimo, transmitting the extract of a letter from Mr. Solomon Chesley, with an account of the distribution of the rents collected for the Indians of St. Régis, during the last year, both of which documents I have submitted to the Commander of the Forces.

"In reply to Mr. Chesley's inquiries how far His Lordship's determination not to extend the term of Leases beyond thirty years, is intended to affect those persons who have taken lands for the term of ninety-nine years, of which, he states, not less than one hundred Leases have been given by the Chiefs prior to his appointment as Agent, and some as far back as the year 1810, I am directed to acquaint you that however consistent with a due attention to the interests of the Indians, His Lordship might deem it not to confirm any Lease that may have been obtained under terms of disadvantage to them, he is of opinion that there would be some objection to too close an investigation of what has already taken place in this particular, as great difficulties might present themselves in the adjustment of the differences that might probably arise, and which perhaps could not be ultimately effected without recourse to law, and some degree of injustice to the Lessees, who might plead the consent of the parties interested, and the implied, if not avowed approbation of those who were charged with the superintendence and direction of their affairs at the time of these Leases being obtained or promised.

"For these reasons his Lordship will not interfere with the past, particularly as Mr. Chesley reports that the persons holding leases under these circumstances, are, with very few exceptions, regular in the payment of their respective rents; but on the contrary, I am to convey to you his authority for confirming all such existing leases as shall appear to you, upon minute investigation, to have been obtained with the consent of the Chiefs from persons duly empowered on their parts to grant the same.

"I have the honour to be, Sir,

"Your most obedient humble Servant,

"(Signed,)

H. C. Darling,
Mil. Secretary.

"Sir John Johnson, Bt.

"Sup. Gen. Ind. Affairs,

"Montreal."

"No. 3."

"Commission appointing Solomon Chesley, Gentleman, agent to the Tribe of Indians occupying or having an interest in the Indian Territories of St. Régis, dated Quebec, 11th May, 1821."

"No. 4."

"Is a printed paper, intituled, "The British Indians of St. Régis, in account current with S. Y. Chesley, for the transactions in conducting the Agency of their Reservation of Land situate upon either side of the River St. Lawrence, in Canada, for the year ending 31st December, 1839."

Ordered, That the said Report be referred to a Committee of the whole House, on Tuesday next.

Education Society
Quebec.

Mr. Chabot from the Special Committee, to which was referred the Bill to incorporate the Education Society of the District of Quebec, reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table.

Resolved, That the said Bill be now committed to a Committee of the whole House.

The House, accordingly, resolved itself into the said Committee.

Mr. Berthelot, took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

(151)

And Mr. Berthelot reported, that the Committee had gone through the Bill, without making any amendment thereto, and the report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

U. C. College.

Ordered, That the Order of the Day, for the second reading of the Bill, to provide for the separate exercise of the Collegiate and University Functions, of the College established at the City of Toronto in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province, with the University; and for the more efficient establishment and satisfactory Government of the same, be postponed until Friday next, and that it be then the first Order of the day.

Adjournment.

Ordered, That this House, at its rising, do stand adjourned until tomorrow at ten o'clock A. M.

Leave of absence to Mr. Boutillier.

Ordered, That Leave of absence be granted to Mr. Boutillier, from the first of December until the fifteenth of January next, on urgent business.

Hawkesbury Division.

The Order of the Day for the second reading of the Bill, to divide the Township of Hawkesbury, in the Ottawa District, into two Townships, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Niagara District Bank.

The Order of the Day for the second reading of the Bill, to amend the Act incorporating the Bank of the Niagara District, by providing for the

extension of the time limited for the paying up of the stock of the said Bank, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Tuesday next.

Ordered, That it be an instruction to the said Committee, to take into consideration the expediency of repealing the clause requiring security to double the amount of the stock paid in.

Transfer of Lands by Bishop of Montreal.

The Order of the Day for the second reading of the Bill, to confer certain Powers on the Bishop of Montreal, in the transfer of certain Lands, being read,

The said Bill was accordingly read, and referred to a Select Committee composed of the Honourable Mr. Morin, the Honourable Mr. Solicitor General Aylwin, the Honourable Mr. Viger, the Honourable Mr. Jones, and Mr. Christie, to report thereon with all convenient speed; with power to send for persons, papers and records.

Estates of Bankrupts.

The Order of the Day for the second reading of the Engrossed Bill from the Legislative Council, intituled "An Act to repeal an Ordinance of

Lower Canada, intituled, "An Ordinance concerning Bankrupts, and the administration and distribution of their Estates and Effects" and to make provision for the same object throughout the Province of Canada," being read,

The said Engrossed Bill was accordingly read, and referred to a Select Committee, composed of the Honourable Mr. Solicitor General Aylwin, Mr. De Witt, Mr. Morris, the Honourable Mr. Black, the Honourable Mr. Viger, Mr. Cartwright, the Honourable Mr. Neilson, Mr. Prince, Mr. Leslie, Mr. Merritt, and Mr. Quesnel, to report thereon with all convenient speed, with power to send for persons, papers and records.

Protest of Notaries Public, Evidence.

The Order of the Day for the second reading of the Bill to facilitate the proof of the Laws of Upper and Lower Canada, and to declare the Protest

of Notaries Public, evidence in certain cases in Upper Canada, being read.

The said Bill was accordingly read, and committed to a Committee of the whole House, on Wednesday next.

Isle Bizarre.

The Order of the Day for the second reading of the Bill to detach Isle Bizarre from the County of the Two Mountains, and to annex it to the County of Montreal, being read,

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Jobin, the Honourable Mr. Viger, Mr. Papineau, Mr. Barthe, and Mr. Lacoste, to report thereon with all convenient speed; with power to send for persons, papers and records.

Registration of
Titles to Real
Property.

The Order of the Day for the second reading of the Bill to amend the Ordinance providing for the Registration of Titles to Real Property, or Incumbrances thereon, in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims being read,

Ordered, That the said Bill be read a second time tomorrow, and that it be then the first order of the day.

Navigation River
Saint Lawrence.

The Order of the Day for the second reading of the Bill to alter and amend certain Acts therein mentioned, relating to the navigation of the River St. Lawrence, in so far as the same relates to the Port of Quebec, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Williams took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Williams reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Obstructions
in Rivers.

The Order of the Day for the House in Committee on the engrossed Bill to prevent obstructions in Rivers and Rivulets in Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. J. S. Macdonald took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. J. S. Macdonald reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Contingencies.

The Order of the Day for the House in Committee on the third Report of the Standing Committee on Contingencies, being read,

The House accordingly resolved itself into the said Committee.

Mr. Child took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Child reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Contingencies.

The Order of the day for the House in Committee on the Fourth Report of the Standing Committee on Contingencies, being read,

Resolved, That this House will, on Tuesday next, resolve itself into the said Committee.

(152)

Then on motion of the Honourable Mr. Viger, seconded by Mr. De Witt, The House adjourned.

APPENDIX, 22 NOVEMBER 1843.

((QUESTION AND ANSWER RE: PAYMENT OF UPPER CANADA REBELLION
LOSSES CLAIMS.))²⁰

COLONEL PRINCE wished to ask the members on the treasury benches, whether it was their intention to indemnify,²¹ by assessment or other means,²² those who had claims upon the Government, in consequences (sic) of losses sustained during the rebellion.²³

MR. BALDWIN said the reasons why nothing had yet been done, had been frequently stated. The question was one of those embarrassing ones, that it was difficult to know how to manage it or to satisfy the claimants. The answer which he had given at a former part of the Session, he would give now. If the Government were prepared with a measure upon the subject, they would come down and submit it to the House, but not being so prepared they could not come down and do so. The sense of the House appeared to be, when the question was last discussed, that by the appointment of a committee, some plan might be contrived to raise the money, either by some sort of tax, by a sinking fund, or by borrowing it, which plan would be laid before the public so as to take the sense of the people of Upper Canada upon it. It seems to be the opinion that it is not a sum of money that could be properly taken out of the general revenue; for there would naturally be a sum demanded for similar losses in another part of the Province. Until some such scheme would be submitted, it appeared to him that the Government could not answer the question differently from what they had done. It was not necessary that it should be recommended by a message from the Crown; this was not necessary unless when an appropriation of revenue was required. As for the mere submitting of a scheme, that was not required. The Government were not, at present, prepared with any scheme, and could not, therefore, do any thing in the matter.²⁴

FOOTNOTES - 22 NOVEMBER 1843.

1. The debate on this matter was reported in: BRITISH COLONIST, 27 November 1843, and MONTREAL GAZETTE, 28 November 1843, in identical accounts; KINGSTON CHRONICLE, 25 November 1843; and LA MINERVE, 27 November 1843. There are commentaries in KINGSTON CHRONICLE, 25 November 1843, and MONTREAL TRANSCRIPT, 28 November 1843.
2. BRITISH COLONIST, 27 November 1843.
3. IBID.
4. KINGSTON CHRONICLE, 25 November 1843.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. BRITISH COLONIST, 27 November 1843.
15. IBID.
16. The following was reported in: BRITISH COLONIST, 27 November 1843, in an account identical to that of MONTREAL GAZETTE, 28 November 1843; and LA MINERVE, 27 November 1843.
17. BRITISH COLONIST, 27 November 1843.
18. IBID.
19. IBID.
20. The following was reported in: BRITISH COLONIST, 27 November 1843, in an account identical to that of MONTREAL GAZETTE, 28 November 1843; and KINGSTON CHRONICLE, 25 November 1843, copied by MONTREAL TRANSCRIPT, 28 November 1843.
21. KINGSTON CHRONICLE, 25 November 1843.
22. BRITISH COLONIST, 27 November 1843.
23. KINGSTON CHRONICLE, 25 November 1843.
24. IBID.

THURSDAY, 23 NOVEMBER 1843.

(152)

Two Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Price--The Petition of the Municipal Council of the Home District (relating to the Gaol of the said District); and the Petition of the Municipal Council of the Home District (relating to Assessment and other matters.)

Education Society
Quebec.

An engrossed Bill to incorporate the Education Society of the District of Quebec, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Chabot do carry the said Bill to the Legislative Council, and desire their concurrence.

J. A. P. Barbier.

An engrossed Bill, to naturalize Jacques Adrien Pierre Barbier, and Euphrasie Barbier, his wife, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartwright do carry the said Bill to the Legislative Council, and desire their concurrence.

Obstructions
in Rivers.

An engrossed Bill to prevent obstructions in Rivers and Rivulets in Upper Canada, as amended, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Thompson do carry the said Bill to the Legislative Council, and desire their concurrence.

Hawkesbury
Division.

An engrossed Bill to divide the Township of Hawkesbury, in the Ottawa District, into two Townships, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. D. McDonald do carry the said Bill to the Legislative Council, and desire their concurrence.

On motion of Mr. Williams, seconded by Mr. Merritt.

Religious Societies'
Lands.

Resolved, That the amendments made by the Legislative Council, to the Bill intituled, "An Act to enable Religious Societies of all Denominations of Christians, (in that part of the Province called Upper Canada,) to hold the Lands requisite for certain purposes therein mentioned" be committed to a Committee of the whole House tomorrow.

Industrial
Farm.

Ordered, That the Honourable Mr. Boulton have leave to bring in a Bill to authorize the Court

of Wardens for the County of York, or the Mayor, Aldermen, and Commonalty of the City of Toronto, to purchase an Industrial Farm in the neighborhood thereof, and for other purposes relating thereto.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Wednesday next.

Leave of absence to Mr. Judah.

Ordered, That Mr. Judah have leave of absence until the twenty-fifth of December next, on account of illness in his family.

Navigation St. Lawrence.

Mr. Williams from the Committee of the whole House on the Bill to alter and amend certain Acts therein mentioned, relating to the navigation of the River St. Lawrence, in so far as the same relates to the Port of Quebec, reported, according to order, the amendments made by the Committee to the said Bill.

Mr. Christie moved, seconded by Mr. De Witt that the question of concurrence be now separately put upon the said amendments.

The Honourable Mr. Solicitor General Aylwin moved, seconded by Mr. Chabot, that the further consideration of the said motion be postponed until Tuesday next.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and

Ordered accordingly.

Contingencies.

Mr. Child from the Committee of the whole House on the third report of the Standing Committee on Contingencies, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That this House doth concur in the recommendation contained in the said third report of the Standing Committee of Contingencies.

Trinity House Quebec.

The Order of the Day for the second reading of the Bill to amend and consolidate the Laws and Ordinances now in force relating to the powers and duties of the Corporation of the Trinity House of Quebec, to Pilots and Pilotage in the Port of Quebec, and to the Quebec Decayed Pilot Fund, and for other purposes, being read,¹

MR. AYLWIN said that one of the provisions of the Bill regulating the Trinity House at Quebec, meets the case contemplated by this Bill, and if these resolutions were concurred in, they would have two laws upon the same subject. - Now he would leave it to the discretion of the hon. member whether to proceed with it or not.²

MR. CHRISTIE hoped that the hon. member did not intend passing that Bill this Session.³

MR. AYLWIN, yes.⁴

((MR. CHRISTIE continued:)) Well then the House should look closely at it; for it confers extensive and new powers upon that Board.⁵

MR. BLACK said that the measure introduced by the hon. member, he had only seen last night, and therefore he had not time to read it carefully; but it purports to be one of general utility, by consolidating and amending the laws of Trinity House. The measure in principle, therefore, seemed to be good; the details may not be perfect.⁶

MESSRS. CHRISTIE and AYLWIN here entered into a discussion upon the Bill relating to Trinity House.⁷

MR. AYLWIN moved that the order of the day be postponed till Thursday night, when his bill would be in the hands of all hon. members.⁸

M. CHABOT a prétendu que le bill n'ayant été distribué aux membres qu'hier il n'avait pas, pour sa part, eu le temps de l'examiner, et qu'il aimerait conséquemment à voir l'amendement agréé, sans toutefois entrer dans le mérite de la question.⁹

MESSRS. MERRITT, ... and VIGER, preferred on account of its importance, that it should stand over until the next session.¹⁰

MR. NEILSON looked upon these Trinity House Bills with much suspicion. The Bill, regulating the Trinity House, under which the abuses now complained of had their origin, had been introduced by the hon. member for Megantic; and, now the Solicitor General introduced another. He thought that the country should have an opportunity of knowing the contents of such Bills, and therefore that it should be postponed till next Session.¹¹

MR. DALY wished to say a few words in reply to what had fallen from the hon. member for the County of Quebec. In the Bill which he introduced, if he mistook not, he had the assistance and co-operation of that hon. member himself; and if imperfections have been found in it, it is only what is found in other Bills, and he is equally responsible.¹²

MR. BLACK was a member of that committee, and the hon. member was under a mistake with respect to the abuses that he thinks have been introduced by it. - No provisions were made by that Bill to raise money. Under that Bill two lights were established which contributed much to the sure navigation of the St. Lawrence.¹³

The report was then received.¹⁴

MR. AYLWIN moved that the Bill to consolidate and amend the laws relating to the Trinity House, be now read a second time.¹⁵

MR. CHRISTIE thought it should lie over till next Session, and complained of over legislation on the part of the Government; they were doing too much.¹⁶ The hurried manner in which measures were precipitated through the House, was extremely reprehensible. The present bill, in his opinion, was a most objectionable one. It conferred powers upon the Trinity Board of a novel description, and such as it had never possessed before; - among others, that of unlimited imprisonment. He (Mr. Christie) regarded such powers as highly dangerous, and was determined to give the bill his most determined opposition.¹⁷

MR. AYLWIN replied, that with reference to hurrying measures forward, he trusted that the member for Gaspé would not entertain the opinion, that those emanating from himself only, admitted of celerity. He, the member for Gaspé, had stated that the bill conferred dangerous and extraordinary powers, he (Mr. Aylwin) called upon the member for Gaspé to point them out, if such was the case. The bill was to consolidate the laws relating to the navigation, harbours, and pilotage of the St. Lawrence. On account of the changes that years had brought about, many of the provisions of the present law were inapplicable. The bill before the House would allow the Trinity Board to dispose of the Cul de Sac, and build a steamer for the purpose of visiting the various harbours and light houses of the St. Lawrence. Owing to the deficiency in our present maritime laws, the loss to British commerce was enormous, and the insurance proportionately extravagant. Another of its provisions was, to protect the lives of our pilots, which were now hazarded by the dangers of the navigation. That respectable body had petitioned the Legislature on the subject, and desired to be allowed to regulate their own body, to build schooners, visit vessels, and raise a fund for their future provision after long service or otherwise. If the member for Gaspé had read the bill attentively, he (Mr. Aylwin) did not think that he would have offered the objections which he had.¹⁸

MR. CHRISTIE said, he would read the clause to which he referred. The hon. member here read the clause which was heard with difficulty owing to the noise. By this clause however, it appears that a penalty is imposed in certain cases and imprisonment in default of payment in Montreal, Quebec, or Gaspé Jail. The hon. member (Mr. Christie) remarked with reference to it, that offenders were to be imprisoned for an indefinite period, until all costs were paid. If the Board had long possessed such powers, in his (Mr. Christie's) opinion, it was time that they should be abrogated. Whatever might be said as to the principle of the bill not being objectionable, its details were.¹⁹

MR. AYLWIN - As those likely to violate the Act, have no domicile in the country, of what use would it be to fine them, if the fine could not be enforced? The cant reply so well known to seamen would be used on such occasions, "I will pay you with a foot of the fore top sail." The fines were only such as were reasonable, yet, if they could not be carried into effect, it would be useless to impose them. If the bill did enact perpetual imprisonment, as that was illegal, any Judge of the Court of Queen's Bench, could liberate a person so imprisoned. The object of the Trinity Board would therefore be effectually defeated by such a provision, instead of being promoted. On the contrary (the hon. and learned Solicitor General) remarked the imprisonment did not extend beyond one month; nor did the powers of the bill go further than those possessed by the Board heretofore. With reference to extending these powers to the Districts of Montreal, Quebec, and Gaspé, it was the only means to render the bill operative, as any captain of a vessel could in two hours, get out of the present jurisdiction of the Trinity House, and laugh at any attempts on its part, to carry out proceedings against him. He (Mr. Aylwin) hoped that the magnitude of the interests which the bill involved, as they were the interests of trade and navigation, as well as of two hundred pilots, would have due weight with the House, and that the second reading of the bill would be allowed to pass, leaving it to the committee, to adjust the details as might be deemed advisable.²⁰ The hon. member moved that the Bill be referred to a select committee.²¹

(152)

The said Bill was accordingly read and referred to a Special Committee, composed of the Honourable Mr. Solicitor General Aylwin, the Honourable Mr. Black, Mr. Leslie, Mr. Chabot, Mr. Christie, Mr. Williams, Mr. Taahé, Mr. Merritt, and the Honourable Mr. Neilson, to report thereon from time to time; with power to send for persons, papers, and records.

Registration
of Titles.

The Order of the Day for the second reading of the Bill to amend the Ordinance providing for the Registration of Titles to real property or incumbrances thereon, in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims, being read,

The said Bill was accordingly read, and referred to a Select Committee composed of the Honourable Mr. Jones, the Honourable Mr. Attorney General Lafontaine, the Honourable Mr. Morin, Mr. Quesnel, the Honourable Mr. Black, the Honourable Mr. Harrison, and Mr. Christie, to report thereon with all convenient speed, with power to send for persons, papers and records.

Absconding
Debtors.

The Order of the Day for the second reading of the Bill to enable Creditors to attach the personal Estate of absconding Debtors where the bodies cannot now, by Law, be detained, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Thursday next.

Small Debts,
Upper Canada.

The Order of the day for the second reading of the Bill to repeal certain parts of, and to amend an Act of the Parliament of the Province passed in the fourth and fifth years of the Reign of Her present Majesty, intituled "An Act to repeal the Laws now in force in that part of this Province formerly Upper Canada, for the recovery of small debts, and to make other provision therefor," and to provide for the payment of the Clerks of the several Division Courts in Upper Canada, by Fees in lieu of a fixed salary, being read,

The said Bill was accordingly read, and committed to a Committee

(153)

of the whole House, on Thursday next.

Common Schools
U. C.

The Order of the Day for the Second reading of the Bill, to provide for the establishment and maintenance of Common Schools in that part of this Province called Upper Canada, being read,²²

MR. HINCKS said, that the objections to the late bill, were on account of its details, and not its principle. - As many were unwilling to hear of any reference to the United States, he would remark, that the principle of the present bill, was the same as the measure which was carried out in Prussia. It was rather singular, that a despotic as well as a republican government, (alluding to the States,) should have united in the same plan for the purpose of general education. The government grant was to induce parents to send their children to school, which otherwise they would not do. In New York, a similar bill had been in operation for years. Taking the State grant there, it amounted only to eleven pence for each scholar, per annum. - There was also a local tax of two shillings, and the parents paid ten shillings; - this small sum of eleven pence for each scholar, was however found to operate as a sufficient inducement; considering the position of the country, the public grant for this purpose from the province of Canada, was a truly munificent one, and amounted to two shillings and ten pence for each scholar. - It would not be right that all the expence should fall upon the parents. The property of the country ought to bear its portion of the burthen. At the same time, neither would it be advantageous for the endowment to be much larger than it was. It was necessary to interest the public in the measure, and the only way to do so, was to make them pay for it; very large endowments as was shown in the case of Upper Canada College, often leading to abuse. The present bill did away with those large Boards, provided by the old bill, and substituted one officer who would be appointed by the various Councils. - With these remarks, he trusted the House would support the motion to have the bill

read a second time.²³

CAPTAIN WILLIAMS approved of the bill, with the exception of the tax being compulsory.²⁴

MR. MURNEY said, that the former bill was very unpopular, and that those who had no children, did not understand compulsory payment to support the children of others. - That the old bill gave the people a better control over the teachers, and that were the old system of all, gone back to, it would be much more palatable to the country at large.²⁵

MR. NEILSON commended the bill in general terms, and expressed himself happy to support it.²⁶

MR. ROBLIN approved of the principle of the bill, but not altogether of its machinery. Those who found fault with the tax which it imposed upon property, ought to recollect, that it was a tax upon the rich, who could afford it, for the benefit of the poor. - And yet the poor man paid his proportion. But who, said the hon. member after all, is most benefitted by educating the poor? Was it not the rich man, whose position was enhanced by having an intelligent orderly population around him? Unless the tax were made compulsory, the rich who had no children, would not contribute to it. One objection to the old bill was, the mode of paying the teachers. By the present bill however, the teachers as it might be agreed upon, could take payment in kind. - This was much required. With a few exceptions, the bill was a good one. - He (Mr. Roblin) however, did not entirely approve of Normal schools, but would like to see the higher institutions of the country, for education supported. He himself was as much opposed as any one to taxation, but when it was for the general good, the representatives of the people should combat popular prejudices against it. Were libraries established in every locality, he thought they would be productive of much benefit. Indeed he (Mr. Roblin) was willing to incur the responsibility of measures for the general good, however popular opinion might be in a degree opposed to them.²⁷

MR. CHILD would prefer a free system altogether, - exempting the scholars from paying any thing. He however admired the bill for its simplicity, and regarded a general system of education as the best security for property throughout the country.²⁸

CAPTAIN STEELE highly approved of the principle of the bill, but objected to compulsory taxation. - In his neighbourhood, the people were too impoverished already to bear any more burthens in the shape of taxation.²⁹

MR. BALDWIN said, that although the people were averse to the machinery of the old bill, yet they were grateful to the government for having introduced it. The present measure was to obviate those objections. He

admired the remarks of the member for Prince Edward, (Mr. Roblin.) - They were those of a philosopher. - It was the rich man who would be peculiarly benefitted by the people being educated. And surely, those who were so fortunate as to belong to that favoured class, could not be so narrow minded and so blind to their own interests, as to object to be taxed to effect this great and important object! He would like to see libraries established, but normal schools were of primary importance. Because the system in New York was a work of years, it was no reason we should linger in our progress. - We must benefit by experience, and take from other countries all the good we can. The public were partly called upon to support the schools. The government grant was intended only as a stimulus, and ought not to go beyond that. He was convinced that when the measure was fully before the public, it would be generally approved of.³⁰

(153)

The said Bill was accordingly read, and committed to a Committee of the whole House, on Monday next.

Elementary
Education,
L. C.

The Order of the Day for the Second reading of the Bill, to provide more efficiently for elementary Education in Lower Canada, being read,³¹

The School Bill for Lower Canada was introduced by MR. MORIN ... He entered at some length into an explanation of its enactments. The details, he said, were made as liberal as possible, so that there should not be room for grievances on the part of any religious denomination. They were all protected by the bill, for if any ((still)) were not satisfied, the heads of families had the power of forming schools for themselves, upon terms equally favorable. There were also provisions in it for the establishment of female schools. There was nothing, whatever, exclusive about the measure; and he believed the basis of it was approved of by that important class of men, the Catholic clergy. It was his intention at present to refer the Bill to a select committee, not because he thought it would require much alteration, but because several suggestions might be made by different members which it would be inconvenient to attend to at the table of the House.³²

MR. HAMILTON objected to the Bill on the ground that it gave a power to tax personal property.³³

MR. NEILSON believed the hon. member had introduced into this Bill a principle of which he could not approve. The Governor and Council had retained the power of taxing the people, for educational purposes, if they do not reluctantly tax themselves. He thought the taxing should remain with themselves, and if they saw it would be beneficial to them, they would willingly pay it. It was casting an unjust imputation upon the people of Lower Canada, to suppose that they are not willing to do everything in their power to promote education. He had never made a practice

of forming any distinctions among his fellow men on account of national origin or creed; but in the present case, the class alluded to were the French colonists. It had been said that they were averse to education. It was false. He was well acquainted with them - had had good opportunities of being so - he had visited every school from Quebec to Metis, and found them all ready and willing to receive education, and not only this, but he could testify to the aptitude of the children for receiving it. If they were backward in education in the Lower Province, they were not accountable for it; for more had been done for education during the period it was under the French Government, than ever had been done by the British. The hon. member contrasted at some length the condition in which the Colony was, with respect to education at the time of the conquest, as compared with its present condition; and concluded by stating that he would oppose the principle of compulsory taxation under any circumstances - a principle he had opposed during his whole life.³⁴

Hon. MR. JONES entirely approved of the principle of the Bill introduced by the hon. member for Oxford; indeed he could not award to it so much praise as it was justly entitled to; and should have liked this measure as like it as possible. He was in favor of taxation for education to a certain extent; but he thought something should be paid directly from the people to the teacher. Another defect in the present Bill appeared to be the want of any school of a higher character than merely elementary; without schools of a higher character, he thought it would fail to work well.³⁵

Le DR. TACHE s'est levé ensuite ... Il a dit que la population du Bas-Canada se trouvait dans ce moment, divisée en deux grands partis, relativement au sujet de l'éducation. L'un se compose d'à peu près tout ce qu'il y a d'hommes instruits dans le pays, sent le besoin, la nécessité de l'éducation et est disposé à faire tous les sacrifices nécessaires pour la procurer au peuple: l'autre, plus nombreux, n'y serait pas précisément opposé si on voulait la lui donner gratuitement; mais guidé par des intrigans qui exploitent ses préjugés et ses craintes il est déterminé à croupir dans son ignorance plutôt que de faire un pas ou donner un sou pour instruire ses enfans. Cependant le temps est arrivé où la plus urgente nécessité exige que le peuple canadien soit instruit; et la législature devra faire son devoir en forçant ensuite le peuple à faire le sien: autrement elle ferait mieux de déclarer que tout est perdu sans ressource, et sonner elle-même le glas du peuple; car cette question est pour lui une question de vie ou de mort. Bordés comme (sic) nous le sommes par les Etats-Unis, contenant une population instruite; submergés par une émigration également instruite, que nous reste-t-il à faire? Nous instruire comme eux, en intelligence et en industrie, et par là, conserver notre indépendance comme individus, et notre dignité comme peuple; ou bien, nous familiariser à l'idée affreuse et déchirante de voir nos descendans jouer dans la société le rôle servile et dégradant de manoeuvres, de valets et de charoyeurs d'eau.

Le ministère libéral et éminemment patriote, actuellement au timon des affaires, semble avoir parfaitement compris la situation du pays en offrant la mesure qui est devant nous. Grâce donc lui en soient rendues! La génération qui s'élève et qui sera instruite par ses soins l'en bénira; les pères de famille que la loi forcera à remplir un devoir sacré, une fois revenus de leur erreur, le béniront; et la postérité placera le nom de ceux qui le composent au rang des bienfaiteurs de leur patrie. Dans de semblables circonstances ce doit donc être, pour les amis de l'éducation, un sujet de profonde douleur, de voir l'hon. membre pour le comté de Québec faire de l'opposition à la mesure actuellement sous considération, lui qui a blanchi en défendant, pendant un quart de siècle, avec autant de talent que d'efficacité, les droits et les libertés de son pays adoptif. Mais cet hon. membre ainsi que plusieurs autres, ne veulent pas de taxes, ni moi non plus: je puis assurer cette chambre que personne n'abhorre les taxes plus que je ne le fais moi-même; mais je le demande au nom de Dieu, est-ce donc se taxer que d'instruire sa famille? Quel est le père capable de comprendre ses devoirs, le père digne de porter ce nom, qui attendra que la loi le force à mettre la main à sa bourse, pour instruire son fils? Il n'y en a pas; il n'y a que celui qui ne peut apprécier le prix inestimable de l'éducation qui hésitera ou reculera peut-être; mais qu'on lui pardonne: tout le monde n'admet-il pas avec un grand poète que:

"L'on ne peut désirer ce qu'on ne connaît pas." 36

Il est de notre devoir d'ouvrir les yeux à ce malheureux, et nous serions indignes de notre mandat si nous ne le faisons pas bon gré malgré Puisque je suis sur le sujet des taxes pour l'éducation, il est une circonstance que je ne puis passer sous silence dans le moment: je fais allusion à une certaine pétition présentée il y a trois ou quatre semaines par l'hon. membre pour le comté de Bellechasse (M. Turgeon), que je suis mortifié de ne pas voir à son siège aujourd'hui; pétition rédigée et signée d'après les avis et à la réquisition de cet honorable membre lui-même, implorant cette chambre de ne pas imposer de taxes sur la propriété immobilière pour l'objet de l'éducation. Si cet hon. membre était à son siège je suis convaincu qu'il me dirait que la paroisse de St. Gervais et celle de St. Lazare (cette pétition vient de ces deux paroisses) ont assez prouvé par leur zèle pour l'éducation, en établissant seize à dix sept écoles dans leur sein, que ce n'est pas la cotisation volontaire qu'elles redoutent, mais bien le système répugnant et abominable des taxes forcées! Mais je nie de la manière la plus formelle que les habitants de ces deux paroisses aient jamais fait ce qu'on peut appeler des efforts pour l'éducation. Ces écoles existaient bien, à la vérité, il y a huit ou dix mois; mais à qui en est-on redevable? Aux habitants de ces deux paroisses? Non, certainement pas; on les doit au zèle, aux sacrifices d'un homme, hélas qui n'est plus! d'un homme, l'honneur du clergé, la gloire de son pays; on les doit au bon au généreux, au vertueux M. Dufresne. Les habitants de St. Gervais et de St. Lazare ont du zèle pour l'éducation! En vérité cette Chambre en a la juste mesure dans leur pétition qui est actuellement devant elle;

cette pétition atteste cent fois mieux que je ne pourrais le faire moi-même les sacrifices que ces paroisses sont disposées à faire pour l'objet de l'éducation. Heureusement, et je ne crois pas me tromper, qu'il n'y a pas un autre canadien dans cette Chambre qui entretienne les vues et les sentimens de l'honorable membre pour Bellechasse sur le sujet de l'éducation. Heureusement que d'une extrémité à l'autre de la province, depuis Sandwich à Bonaventure, il n'y a pas une autre pétition devant cette Chambre de la nature de celle du comté de Bellechasse. Mais on voudrait encore des délais, attendons encore un peu, nous dira-t-on, et le peuple agira; il sentira lui-même le besoin de s'instruire, il faut le laisser faire! Mais qu'avons nous obtenu depuis vingt cinq ans que nous attendons? Et moi je vous le dis hardiment, laissez le peuple faire, et il n'en fera rien (Mouvement d'approbation dans la Chambre.) En attendant tout marche à grands pas, les lumières, les Etats-Unis, l'émigration. Encore quelques années, et tout sera perdu sans ressource. La masse du peuple sera avilie et dégradée, prosternée aux pieds de la race anglo-saxonne, et prosternée pour ne jamais se relever! Quelques familles seulement seront sauvées de ce grand naufrage; mais comment? dans quel état? Défigurées et méconnaissables, parlant une langue que ne sera pas celle de leurs aïeux, ayant honte peut-être de porter le nom de leurs ancêtres! Et nous serions assez faibles aujourd'hui pour plier le genoux (sic) devant d'ignobles préjugés? assez lâches pour mettre la crainte de la perte de notre popularité dans le plateau opposé de la balance où doit se peser le devoir que nous avons à remplir envers le pays, envers la génération qui s'élève et qui nous demande le pain de l'intelligence? Non: honte à ces âmes faibles et pusillanimes capables de fléchir en face d'un pareil devoir! Leur place n'est pas en-dedans de ces murs: il nous faut ici des hommes fermes et inflexibles qui n'aient d'autres sentimens, d'autre but que leur devoir; et ces hommes sont ici et ne tromperont pas l'attente du pays. Quant à ceux qui seraient capables de flatter les préjugés et l'ignorance du peuple, le nombre est bien petit; et les vendales (sic) qui ont parcouru nos compagnes (sic) en criant: "Point de taxes pour l'éducation! à bas les écoles!" ils ne doivent pas s'attendre à trouver dans cette Chambre de l'écho ou de la sympathie.³⁷

L'hon. M. ((D. B.)) VIGER fait allusion aux efforts faits ci-devant par la législature pour venir en aide à la cause de l'éducation, et dit que le collège des jésuites, ce temple de la science, s'il était rendu à sa destination, pourrait donner de puissants moyens pour l'avancement intellectuel du peuple. Il passe en revue les divers établissemens d'éducation déjà existans et créés par les Canadiens, laissés presque à leurs propres ressources.³⁸ He was now an old man, and since the Union was consummated, he would cheerfully spend the remainder of his life in benefitting Upper Canada as far as he could, as well as that part of the Province to which he belonged. For this reason he had no wish to complain of anything that might be done for the exclusive benefit of that part of the Province; but he could not help drawing the attention of the

Administration to the fact, that considerable sums of money had been, at different times, expended from the general revenue, to assist Colleges in Upper Canada, when not a penny was expended upon any College in Lower Canada, and that, without any taxation, they had managed to do much for education.³⁹ ((Il)) conclut en disant que la mesure est d'une grande importance, et qu'il est urgent de pourvoir à un bon système en faveur de l'éducation populaire.⁴⁰

MR. BLACK had not had the Bill long enough in his hands to be familiar with all its provisions. No person was more sensible than he was of the anxious desire of the Commissioner of Crown Lands, who had introduced the measure, to promote education. With respect to the necessity and advantage of a system of public instruction, there could be no difference of opinion in this house. The opinions expressed upon this subject by the hon. member from L'Islet were not his opinions alone, but the opinions of every intelligent mind upon the subject.⁴¹ Les Haut-Canadiens se trompent grandement s'ils croient que la province du Bas-Canada soit (sic) un pays sans éducation. Elle possède nombre de collèges où l'on reçoit une éducation supérieure, et une foule d'autres maisons d'éducation d'un grand mérite.⁴² The Seminary of Quebec was one of this class, and a more useful institution was not in North America. The object of the present Bill does not so much refer to these institutions, as it has in view to provide for a more general system of public instruction; and in the utility of this all persons will agree. On another point he wished to make a few observations. He referred now to the necessity of raising the means to carry this into effect. If it be necessary to establish some system of public instruction, there must be some means of doing it, and he saw no way unless imposing a certain amount of taxation upon those who were to reap the benefit of it. But this taxation should be voluntary on the part of the people. He looked upon the power of taxing, vested by this Bill in the Government, as unconstitutional. It was not in the Bill for Upper Canada; and if it was right that there should be no compulsory taxation there, it was equally right that it should not exist in Lower Canada. The only thing he objected to in the provisions of the Bill was the power which was vested in the hands of the Executive Government, to tax the people for educational purposes, if they would not tax themselves.⁴³

MR. HARRISON thought that since the objection made by hon. members was not against the principle of the Bill, and since the hon. mover was desirous of referring it to a select committee, there could be no objection to adopt the principle and take this course with it. He could not sufficiently admire the moral courage of the hon. member who framed this Bill, in proposing to reserve for the Executive Government the power of ensuring the successful working of the measure, by enforcing taxation if it would not be submitted to voluntarily, but he could not go with him in giving them that power.⁴⁴

MR. CHILD said that the old Bill had worked successfully in the District of Sherbrooke; and expressed himself adverse to any species of compulsory taxation.⁴⁵

M. CHRISTIE soutient la mesure. Il dit que puisqu'il n'y a pas d'autres moyens que cette taxe il faut de toute nécessité y recourir, dans l'intérêt du peuple; et certes l'Administration mérite toute notre reconnaissance pour être assez patriotique et assez ferme pour heurter d'aveugles préventions, et entreprendre une mesure qui aura les plus salutaires résultats. On parle de taxe; bah! ce n'est qu'un épouvantail bon à effrayer les faibles ou les imbécilles (sic).⁴⁶ And after all, what was the tax? It was taking a trifle from the father to confer an inestimable boon upon his children. Instead of assessing property in part only, rather than the bill should be inoperative, he would prefer seeing every article taxed.⁴⁷

MR. QUESNEL said that hitherto it was the female portion of the Canadian population only that had been at all educated in Lower Canada, consequently the poor habitant confided the sacred duty of educating his children wholly to his wife, who, by her superior intelligence, threw him entirely in the shade. To perpetuate such a system was encouraging a species of moral degradation with reference to the male part of the population.⁴⁸

L'hon. M. AYLWIN dit qu'en effet une bien grave responsabilité pèse sur son honorable et savant ami le Commissaire des Terres pour l'introduction de cette mesure. On ne peut se dissimuler que des préjugés funestes règnent contre le meilleur système d'éducation s'il faut l'introduire au moyen d'une taxe. Or comme il est bien certain que cette grande cause ne pourra jamais obtenir des résultats suffisants sans cette taxe, qui après tout sera comparativement légère, il devient nécessaire comme l'a si bien fait remarquer son honorable ami le membre pour l'Islet (M. Taché), de couper le mal dans sa racine, d'attaquer hardiment ces préjugés. Un autre honorable membre a prétendu que les habitants des Townships de l'Est seraient contraires à la taxe pour l'éducation, mais qu'il se rappelle qu'aux parti(es) des Etats-Unis où il est raisonnable de croire qu'ils ont le plus d'affiliation, on y est sujet à des contributions obligatoires en faveur de l'éducation à peu près comme celles auxquelles pourvoit le bill de son honorable et savant collègue. Les arguments par lesquels l'honorable membre pour le comté de Québec (M. Neilson) a essayé de combattre le recours à une taxe obligatoire ont l'air singulier dans la bouche de l'honorable monsieur. S'ils eussent été faits par des Canadiens-français, on n'en aurait peut-être pas été étonné, on les aurait compris, mais que venant de la part de cet honorable membre ils étaient déplacés. Ce dernier s'était aussi appuyé fortement sur les sommes déjà dépensées pour l'éducation du Bas-Canada, pour en tirer cette conséquence: que les moyens pécuniaires qu'on veut maintenant mettre à sa disposition dans cet intérêt n'auront pas plus de

résultats que ceux dont on l'avait favorisé ci-devant; mais cet argument vient précisément à l'appui du nouveau système, qui sera obligatoire, de facultatif qu'était l'ancien. On doit voir dans le bill une excellente réfutation de tous les argumens d'honorables membres du Haut-Canada qui ont essayé de tirer grand parti de ce qu'ils ont bien voulu voir dans l'état de choses actuel une combinaison ayant pour effet de taxer le Haut et d'exempter le Bas-Canada; ils ont prétendu que les habitans du Bas-Canada ne consentiraient pas à se taxer, et se sont servis de cet argument pour s'opposer à son droit de jouir de sommes d'argent qui lui sont consacrées; eh bien! l'Administration a dû pourvoir à cela, et l'expérience démontrera si l'odieuse qui suppose de pareilles insinuations doive s'attacher aux habitans du Bas-Canada. On convient qu'il leur répugne de se taxer, et qu'il faut au besoin les y contraindre dans leur propre intérêt; mettons les à l'épreuve, et vous verrez le résultat avant qu'il soit longtemps. Quand cette taxe est imposée par la législature du pays, on ne peut (sic) pas dire qu'elle est inconstitutionnelle, comme il a plu à un honorable et savant membre de le prétendre.⁴⁹

M. CHILD dit qu'on l'a mal compris, et qu'il n'est pas opposé à la taxe qu'on impose pour l'éducation aux Etats-Unis.⁵⁰

MR. HOLMES spoke in favour of the principle of the Bill - referred to the statements made that Lower Canada was hostile to Education, and thought that this measure was the best answer to such statements. He combatted the position laid down by the hon. member for the County of Quebec, that the retaining of a power in the Executive Government to compel the raising of the necessary taxes was unconstitutional; and expressed his regret that those who had raised such an objection were persons of British origin, an objection which was not supported by members of French origin. He thought the feelings and sentiments so eloquently expressed by the hon. member for L'Islet, (Dr. Taché,) would be supported by every member of French origin in this House. He corroborated the statements made by Mr. Viger, respecting the amount of good done in Lower Canada by several literary institutions, upon a small means.⁵¹

Hon. MR. HINCKS said the bill differed a little from the one he had introduced though there was no difference in principle between the two bills. The hon. member who introduced this measure had been attacked for retaining a power of compulsory taxation, in the Executive Government, and the bill had been contrasted with the one which he had the honor of introducing. It was only a short time since they had heard his bill attacked in a similar manner, so that both are equally liable to objection by those who do not wish any taxation for the purpose of Education. If Upper Canada were situated exactly as Lower Canada is, he (Mr. H.) would support exactly the same principle as his hon. friend did in his bill. But such is not the case. We, in Upper Canada, have had Municipal Institutions existing for a long time and the people are accustomed to a system of local taxation, so that we are introducing

nothing new for that section of the Province. Now Municipal Institutions are new to Lower Canada. The hon. member proposes to introduce a measure this session to establish them; and there may be strong prejudices against them; and whilst this experiment is making, he proposes, as far as this bill is concerned, to provide that it may be carried successfully into operation whether the Municipal Institutions work well or not. If they work well, of course there will be no necessity for the clause. The principle of the two bills is exactly the same. He agreed with some hon. gentlemen who had attacked his bill that it implies compulsory taxation. By withholding the sum of money intended for any particular district until a certain sum be raised by themselves, they are virtually told that they must tax themselves, and this being the case he could not see that there should be such objections raised to that clause in the bill, of his hon. friend.⁵²

MR. BOSWELL looked upon it as a serious charge that had been brought against the Bill, that it involved an unconstitutional principle. He did not think any member of this House knew constitutional law better than the hon. member who had framed this measure. He defied any one to shew that there was any unconstitutional principle involved. He supposed the great principle for which hon. gentlemen contended was that there should be no taxation without representation. But was this so in the present case? It was not. It could not be said that the Bill was based upon false principles, because the tax was rendered compulsory. All taxes were so. If the measure were one of such a kind as to delegate to the Governor General the right of assessing to any amount, then there might be some ground for such objection.⁵³

A voice, "it is so."⁵⁴

He ((MR. BOSWELL)) denied it. There was a fixed limit. The amount to be raised for educational purposes was fixed; and it was intended by this Bill that every individual in Lower Canada should pay his proper share for this purpose. He agreed with some hon. members who had preceded him, that this measure was a satisfactory refutation of the objections so frequently advanced against the Government, for not imposing taxes upon Lower Canada, and could not help expressing his surprize at the objection that had been raised.⁵⁵

La motion pour la deuxième lecture est agréée.⁵⁶

L'hon. M. MORIN se lève ensuite pour proposer de référer son bill à un comité, et il dit qu'on a prétendu que la taxe était inconstitutionnelle comme s'il s'agissait de taxer sans représentation. Cette taxe n'est pas destinée à grossir les revenus de la province, ni à être appliquée comme on l'entendra par la suite en faveur d'aucun service public indéterminé (sic), et le montant n'en est pas non plus laissé aux chances de l'avenir. On sera obligé de le ressortir sur les biens fonds dans les limites des paroisses et des townships; le recensement se fera sur ce

pied et non autrement. Le montant et l'objet en sont prescrits, déterminés. S'il arrivait, contre toute espérance, que le peuple ne pût pas ou ne voulût pas profiter pour lui-même des avantages qu'on va lui donner, on pourvoit à ce que la loi puisse toujours avoir son cours. Le gouverneur ne fera que nommer des cotiseurs. Quant aux biens meubles, il sera juste que les municipalités veillent à une évaluation équitable, mais elle en aura l'initiative, et il y aura le veto du gouverneur comme dernière limite. Pour ce qui est de l'encouragement à donner à la cause de l'éducation, il ne saurait y avoir deux opinions là-dessus. Il n'y a, par exemple dans le comté de l'honorable membre pour Québec, que trois écoles, et qui sont bien pauvrement soutenues. Il ne les blâmes (sic) pas, ce n'est pas leur faute; mais cela prouve le manque de moyens et de volonté en faveur de l'éducation. Comme nous n'avons plus les mêmes ressources qu'autrefois, on ne peut plus donner le même genre ni la même extension d'encouragement. D'ailleurs la taxe qu'on veut établir n'est pas laissée d'abord à la conduite du gouvernement, mais autant que possibles (sic) à celle du peuple lui-même. Ce sera à lui d'en profiter.⁵⁷

(153)

The said Bill was accordingly read, and referred to a Select Committee, composed of the Honourable Mr. Morin, the Honourable Mr. Viger, Mr. Berthelot, the Honourable Mr. Hincks, the Honourable Mr. Boulton, Mr. Christie, the Honourable Mr. Jones, Mr. Taché, and Mr. Armstrong, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Counties division, U. C.

The Order of the Day for the Second reading of the Bill, for the better division of that part of this Province, called Upper Canada, into Counties--for abolishing the Territorial division thereof into Districts, and providing for the temporary Unions of Counties, for judicial and other purposes, and the future dissolution of such Unions, as the increase of population may require, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House, on Monday next.

Private Stock, Welland Canal.

The Order of the Day for the Second Reading of the Bill, to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal, being read,

The said Bill was accordingly read, and committed to a Committee of the whole House.

Mr. Stewart took the Chair of the Committee,⁵⁸

MR. MERRITT objected in the strongest terms to the provisions of this Bill, on the ground that it was doing an injustice to the private Shareholders.⁵⁹

(153)

and after some time spent therein,

The Speaker resumed the Chair,

And Mr. Stewart reported that the Committee had gone through the Bill without making any amendment thereto.

Ordered, That the Report be received to-morrow.

Township, &c.
Assessment.

The Order of the Day for the House in Committee on the Bill, to establish a more equal and just system of Assessment in the several Townships,

Towns, and Cities, in Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Simpson reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Resolved, That this House will on Monday next again resolve itself into the said Committee.

Jurors, Juries,
&c.

Ordered, That the Order of the Day for the House in Committee on the Bill, for the Consolidation and amendment of the Laws relative to Jurors,

Juries, and Inquests, in that part of this Province called Upper Canada, be postponed until Monday next.⁶⁰

Townships, &c.
Corporation.

Ordered, That the Order of the Day for the House in Committee on the Bill, to provide for the Incorporation of Townships, Towns, Counties,

and Cities in Upper Canada, be postponed until Monday next.

MR. BALDWIN said that he had not interfered in the bill with the system of representation, and that a schedule would be added to provide for the division of townships. He invited all the members for Upper Canada, to contribute their information to make the bill as perfect as possible.⁶¹

(153)

Land Surveyors.

Ordered, That the Order of the Day for the House in Committee on the Bill, to repeal certain

Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in Upper Canada, be postponed, until Monday next.

District of
Gaspé.

Ordered, That the Order of the Day, for the House in Committee on the Bill, to establish the District of Gaspé, and to provide for the

due administration of Justice therein, be postponed until Monday next.

*Then on motion of Mr. De Witt, seconded by Mr. Christie,
The House adjourned.*

FOOTNOTES - 23 NOVEMBER 1843.

1. The debate on this matter was reported in: LA MINERVE, 2 December 1843; BRITISH COLONIST, 27 November 1843, in an account identical to that of MONTREAL GAZETTE, 28 November 1843; and KINGSTON CHRONICLE, 25 November 1843.
2. KINGSTON CHRONICLE, 25 November 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. LA MINERVE, 2 December 1843.
10. BRITISH COLONIST, 27 November 1843.
11. KINGSTON CHRONICLE, 25 November 1843.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. BRITISH COLONIST, 27 November 1843.
18. IBID.
19. IBID.
20. IBID.
21. KINGSTON CHRONICLE, 25 November 1843.
22. The debate on this matter was reported in: EXAMINER, 29 November 1843, BRITISH COLONIST, 27 November 1843, and MONTREAL GAZETTE, 28 November 1843, in identical accounts.
23. BRITISH COLONIST, 27 November 1843.
24. IBID.
25. IBID.
26. IBID.
27. IBID.
28. IBID.
29. IBID.
30. IBID.
31. The debate on this matter was reported in: BRITISH COLONIST, 27 November 1843, and MONTREAL GAZETTE, 28 November 1843, in identical accounts; LA MINERVE, 2,9 December 1843; and KINGSTON CHRONICLE, 25 November 1843. There is a commentary in MONTREAL TRANSCRIPT, 28 November 1843.
32. KINGSTON CHRONICLE, 25 November 1843.
33. IBID.
34. IBID.
35. IBID.
36. LA MINERVE, 2 December 1843.
37. LA MINERVE, 9 December 1843.
38. IBID.
39. KINGSTON CHRONICLE, 25 November 1843.

40. LA MINERVE, 9 December 1843.
41. KINGSTON CHRONICLE, 25 November 1843.
42. LA MINERVE, 9 December 1843.
43. KINGSTON CHRONICLE, 25 November 1843.
44. IBID.
45. IBID.
46. LA MINERVE, 9 December 1843.
47. BRITISH COLONIST, 27 November 1843.
48. IBID.
49. LA MINERVE, 9 December 1843.
50. IBID.
51. KINGSTON CHRONICLE, 25 November 1843.
52. IBID.
53. IBID.
54. IBID.
55. IBID.
56. LA MINERVE, 9 December 1843.
57. IBID.
58. The KINGSTON CHRONICLE, 25 November 1843, reports: "We have not room for his ((Merritt's)) remarks in this paper, but will give them in our next." However, in neither the next issue, 29 November 1843, nor in the issues following, are there any more references to this debate, no doubt because the unexpected resignation of the Ministry pre-empted all other interests.
59. KINGSTON CHRONICLE, 23 November 1843.
60. The following was reported in: BRITISH COLONIST, 27 November 1843, and MONTREAL GAZETTE, 28 November 1843, in identical accounts.
61. BRITISH COLONIST, 27 November 1843.

FRIDAY, 24 NOVEMBER 1843.

(153)

10 Petitions
brought up.

THE following Petitions were severally brought up and laid on the Table:--

By Mr. Cartwright--The Petition of the Right Reverend the Lord Bishop of Toronto.

By Mr. Cameron--The Petition of H. Graham and others, Merchants, Traders, and Inhabitants of the Town of Perth, in the District of Bathurst; the Petition of H. Glass and other Presbyterians, Members of St. Andrew's Church, Perth; the Petition of the Reverend John Gemmell, of the Town of Lanark, in the District of Bathurst; and the Petition of James Wylie and others, Inhabitants of the Township of Ramsay, in the Bathurst District.

By Mr. Boswell--The Petition of Thomas Scott and others, Members and Adherents of the Presbyterian Church at Cobourg.

By Mr. Harmannus Smith--The Petition of William Hill and others, Freeholders of the Township of Barton, in the District of Gore.

By Mr. Morris--The Petition of Matthew Snyder and others, Inhabitants of Elizabethtown.

By Mr. Wakefield--The Petition of John Fitz-William Berford, of the City of Toronto.

By Mr. Forbes--The Petition of John Rogers and others, Inhabitants of the Gore of Chatham.

By Mr. Hale--The Petition of the Venerable Archdeacon, George Okill Stuart, and others, Vice Presidents of the Church Society of the Diocese of Toronto; praying for an Act to incorporate the said Society.

On motion of Mr. Hale, seconded by Mr. Cartwright,

Petition read.

Ordered, That the said Petition be now read, and that the Rule of this House of the 28th of June, be dispensed with as to the present Petition.

The said Petition was read accordingly.

Pursuant to the Order of the Day, the following Petitions were read:--

Petitions read.

Of Josiah Hebbard and others, Censitaires of the Fief Mary Ann, in the Seigneurie of Lanaudière, in the District of Three Rivers; praying for the abolition of Lods et Ventes.

Of Alexander Joseph Wolff, of the settlement of Val Cartier, in the County and District of Quebec; praying remuneration for services performed by him as Superintendent of Works, in opening the Metis or Kempt Road.

Of John Waldron and others, Inhabitants of the Township of Loborough, and other places; praying that certain parts of the Townships of

Loborough, Pittsburgh and Kingston, be set apart as a distinct Township.
(154)

Petitions
referred. Ven.
Archdeacon Stuart
and others.

Ordered, That the Petition of the Venerable
Archdeacon, George Okill Stuart, and others,
Vice Presidents of the Church Society of the
Diocese of Toronto, be referred to the Special
Committee to which was referred the Bill to
Incorporate the Church Society of the Diocese
of Quebec.

R. J. Hopkins,
and others.
John Rose, and
others.

Ordered, That the Petition of R. J. Hopkins and
others, Inhabitants of the District of Prince
Edward; and the Petition of John Rose and others,
Inhabitants of the Township of Marysburgh,
presented to the House on the thirtieth of
October last; and the Petition of Thomas
McMahon and others, Inhabitants of the District
of Prince Edward, presented to the House on the

eighteenth Instant, be referred to the Committee of the whole House on
the Bill to repeal certain parts of, and to amend an Act of the Parliament
of the Province passed in the Fourth and Fifth years of the Reign of Her
present Majesty, intituled "An Act to repeal the Laws now in force in that
part of this Province formerly Upper Canada, for the recovery of Small
Debts, and to make other provision therefor"; and to provide for the
payment of the Clerks of the several Division Courts in Upper Canada, by
Fees in lieu of a fixed Salary.

Report on Pe-
tition of Mon-
treuil Medical
Board.

Mr. Boutillier from the Select Committee to
which was referred the Petition of the Montreal
Medical Board, presented to the House the Report
of the said Committee, which was again read at the
Clerk's table, and is as followeth.--

"The Select Committee to which was referred the Petition of the
Montreal Medical Board, praying for the passing of a Law to regulate the
course of study to be undergone by persons intending to practise as
Physicians and Surgeons in the Province of Canada, have the honour to
Report:--

"That, by the existing Laws in Lower and Upper Canada, the study of
Medicine is not subject to any fixed regulations; that even the period of
study required to be gone through, by the aspirant to the Medical
profession, is not limited.

"That, in all those countries where the science is most cultivated,
it has been recognized that the well-being of society, as well as the
interest of science and the honor of the profession, require more time
and application on the part of the aspirants than they generally appear
disposed to give before commencing practice.

"Your Committee are consequently of opinion that the existing Laws

should be repealed, and that an Act should be passed common to both sections of the Province, and which should subject the Study and Practice of Medicine to such regulations as may elevate both to that degree of respectability and usefulness, which they have acquired in the most civilized countries; Your Committee would believe themselves to be only performing a duty by proposing to your Honourable House the immediate passing of a Law to the hereinbefore mentioned effect, if there did not exist some doubt as to the right of the Provincial Legislature to affect, by a Legislative Act, the regulations of the McGill College, an institution endowed and maintained by private donations, and legally established by a Charter emanating from Royal authority.

"To justify this doubt, it will be sufficient for your Committee to mention that by the Act of the first year of King William IV., chap. 27 (expired in 1837), no aspirant to the practice of Medicine could obtain his license, except after studying at least five years, and that this law recognized no exception; that the McGill College having then instituted a School of Medicine, granted, by virtue of its Charter, to Students in Medicine, a Diploma, after only three years study.

"That the Medical Board of the District of Montreal, appointed by virtue of the Act above cited, refused to give a certificate for admission to practise to a Graduate of the said College, pretending that a Diploma, granted in accordance with the regulations of the said College, (that is to say, after three years of study,) should be considered only as a certificate of the time the candidate had studied, and could not in anywise establish a right to a license to practise under the law requiring five years of study.

"The question being brought before the Court of King's Bench, in 1833, the ground taken by the Medical Board of Montreal was declared to be untenable, as appears by the Documents which accompany the present Report.

"The Act of the 1st Wm. IV. Chap. 27, being therefore not susceptible of general application, has been regarded as inefficient; and, being temporary, it expired without any apparent desire, on the part of the Members of the profession, that it should be renewed,

"Your Committee feel bound to express their desire of seeing, for the future, every School of Medicine submit to the control of the Laws of the Country, believing that the interest of the Medical profession and that of the public would gain by it considerably, inasmuch as these institutions would have then one claim the more to the protection and assistance of the Legislature, and this would give rise to a hope that they would become even more useful than they are at present.

"In case this happy result should be attained, your Committee would be of opinion that the following Regulations should form the chief provisions of a Law relative to the Study and Practice of Medicine:--

REGULATIONS.

"1st. That a Board of Examiners at Quebec, Montreal and Toronto, of at least twelve members, five of whom shall be a quorum, shall be

appointed by the Executive.

"2nd. That no Member of a College or University connected with a School of Medicine, nor any Professor of such School, nor any Lecturer, shall be a member of the said Board of Examiners.

"3rd. That every Student shall give proof of his having received a liberal Education.

"4th. That every Candidate who shall have studied five years with a licensed Practitioner, shall be entitled, after an examination, to a License.

"5th. That every Candidate in possession of a Diploma, obtained in a Provincial University or School of Medicine, shall be entitled to a License without examination, provided such Diploma be preceded by at least four years of study; during the two last of which the Candidate shall have attended the courses prescribed by the Rules of such University or School.

"6th. That every Candidate who shall have studied four years under a Licensed Practitioner, and who shall moreover have attended two courses on the different branches of the Medical Profession, given in public by an approved Physician, shall be entitled after examination, to be admitted to practise.

"7th. That every possessor of a Diploma obtained in a University or Medical School, situate out of the Province, may be admitted to practise, without being examined, by going through a course in a Provincial University or School, to the satisfaction of the Professors of the same, otherwise he must be examined.

"8th. That no person shall sell Medicines without having obtained a license for that purpose, nor without having studied three years under a licensed Apothecary, practising the sale of Medicines, nor without having undergone an examination.

"9th. That no Physician or Practitioner shall be considered to be a Public Lecturer without a recommendation given by the Board of

(155)

Examiners of his District and confirmed by His Excellency, the Governor of the Province.

"10th. That no Candidate shall present himself before any other Board than that of the District in which he may be considered as resident.

T. Boutillier,
Chairman.

24th November, 1843.

APPENDIX.

Province of Lower Canada,
District of Montreal.

Court of King's Bench,
October Term, 1833.

Exparte. William L. Logie, Esquire.

Motion on behalf of William L. Logie, of the City of Montreal, Esquire, inasmuch as Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Lebourdais, Oliver Théophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barber, and Thomas Bouthillier, being the Board of Examiners for the District of Montreal, chosen, elected and appointed according to Law for examining persons applying for a License or Commission to practise as a Physician, Surgeon, Man Midwife, Apothecary, Chemist, Druggist, Vender or Retailer of Medicines, within the said Province, did on the first day of July now last past and do still refuse to give and grant to the said William L. Logie their Certificate to enable him to obtain from the Governor in Chief of the said Province a License or Commission to practise in the said Province as a Physician, Surgeon and Apothecary, and Man Midwife, the said William L. Logie having produced and verified before the said Board of Examiners his Diploma or License constituting him a Doctor in Medicine and Surgery, fit and qualified to practise Medicine and Surgery in all their branches, to him granted by the Principal and Professors of the University of McGill College, at Montreal, in the said Province, bearing date under the Common Seal of the said University of McGill College, the twenty-fourth day of May, in the present year of our Lord one thousand eight hundred and thirty-three, the said University of McGill College then and there being a body corporate, erected and constituted by His Majesty King George the Fourth, by Letters Patent, bearing date at Westminster, the thirty-first day of March, in the second year of His Reign, which Diploma or License was by him, the said William L. Logie, obtained after a course of Medical study in the Medical Faculty of the said University of McGill College, being a Medical Institution, in conformity to the Rules thereof, and after having studied the Science of Medicine during five successive years, and he the said William L. Logie having at the time aforesaid, before the said Board of Examiners, proved that he was a fit and proper person to obtain a License in the behalf aforesaid, that the said Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Lebourdais, Olivier Théophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier, being such Board of Examiners as aforesaid for the District of Montreal or their successors for the time being, do appear in this Honourable Court, on the first

day of February now next ensuing, at ten of the clock in the forenoon, to show cause, if any they have, why His Majesty's Writ of Mandamus should not issue, to them addressed, commanding them to give and grant to the said William L. Logie, their Certificate whereby the said William L. Logie shall be enabled to obtain from the Governor in Chief of the said Province a License or Commission to practise as a Physician, Surgeon, Apothecary, and Man Midwife in the said Province.

(Signed,)

Buchanan & Andrews,
For said Logie.

Montreal, 12th October, 1833
(True Copy,)

Monk & Morrogh, Proth'y.

Province of Lower Canada,
District of Montreal.

Court of King's Bench, 1833.

William L. Logie, of the City of Montreal in the said District, Esquire, being duly sworn maketh oath and saith, that this Deponent holds a Diploma, constituting your Deponent Doctor in Medicine and Surgery, fit and qualified to practice Medicine and Surgery in all their branches, granted to this Deponent and not to any other person by the principal and Professors of the University of McGill College, at the said City of Montreal, under the Common Seal of the said University of McGill College, bearing date the twenty-fourth day of May in the present year of Our Lord, one thousand eight hundred and thirty-three, the said University of McGill College, then and there being a body Corporate, erected and constituted by His Majesty King George the Fourth, by Letters Patent, bearing date at Westminster the thirty-first day of March in the second year of His Reign, and that this Deponent obtained the said Diploma after having studied the science of Medicine during five successive years, and after having pursued and performed a course of Medical study in the Medical Faculty of the said University of McGill College, being a Medical Institution, in conformity to the Rules thereof. And this Deponent further saith, that he being desirous of practising as a Physician, Surgeon, Man-midwife and Apothecary in this Province, and of obtaining from His Excellency, the Governor-in-Chief of this Province, a License or Commission in that behalf, under the provisions of the Twenty-seventh Chapter of the Statutes, passed in the first year of the Reign of our Sovereign Lord the now King, did on Monday, the first day of July last past, go and attend upon the Board of Examiners of and for the said District of Montreal for examining persons applying for a License or

Commission as a Physician, Surgeon, Man-Midwife, Apothecary, Chemist, Druggist, vender or retailer of Medicines, chosen, elected and approved, under and by virtue of the said Act of the said Provincial Parliament, which said Board of Examiners was on the day and year last aforesaid, and yet is composed of the following persons, in manner as aforesaid chosen, elected and approved: that is to say, Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Lebourdais, Olivier Théophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier.

And this Deponent then and there before the said Board of Examiners did produce and exhibit his said Diploma for examination, and that the same was then and there seen and examined by the said Board of Examiners, and that the said Deponent was then and there willing to pay to the said Board of Examiners the sum of twenty shillings for a certificate, and

(156)

was then and there willing to make oath, and did make oath that the said Diploma was granted to him the Deponent, and not to any other person, and that he obtained the same after having studied the science of Medicine during five successive years. And the Deponent further saith, that said Board of Examiners, on the day and year last aforesaid, after having seen and examined the said Diploma, and administered an oath to the Deponent in the behalf aforesaid, did refuse and doth yet refuse to give and grant to the Deponent a Certificate by means whereof he might be enabled to obtain from the Governor-in-Chief of this Province, a License or Commission to practise as a Physician, Surgeon, Man-midwife, and Apothecary within the said Province, and that Thomas Huquet Latour, being the Secretary of the said Board of Examiners, did deliver to this Deponent the extract from the Register of proceedings of the said Board of Examiners hereunto annexed, the Deponent is aggrieved and cannot obtain from the Governor-in-Chief of the said Province a License or Commission to practise as a Physician, Surgeon, Man-midwife and Apothecary in the said Province in virtue of the said Act of Parliament of the said Province.

(Signed,)

William L. Logie.

Sworn before me at the said City
of Montreal, this eleventh day
of October, 1833.

(Signed) J. R. Rolland, J. B. R.

(True Copy,)

Monk & Morrogh, Proth'y.

(Translation.)

Medical Board, Montreal,
1st July, 1833.

Mr. William Logie presented a Diploma of Doctor of Medicine from McGill College. His Diploma was unanimously rejected as not being conformable to Law, and as being unsupported by the documents necessary for the satisfaction of the Board. All which was communicated to him, and it was proposed to him to submit to an examination.

(Extracted from the Register of the Medical Board, page 61.)

(Signed,)

Th. Huguet Latour, S. B. M. B.

(True Copy,)

Monk & Morrogh, P. B. R.

Province of Lower Canada,
District of Montreal.

Court of King's Bench.

(No. 1880.) Exparte. William L. Logie, Esq.

Motion on behalf of the said William L. Logie, that the rule to show cause in the said cause granted by this Honourable Court on the nineteenth day of October last past, be revived and extended to the second day of April now next ensuing, and that Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Lebourdais, Olivier Theophilé Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier, being the Board of Examiners in the said rule mentioned, do accordingly appear in this Honourable Court on the said second day of April next, at ten of the clock in the forenoon, to show cause, if any they have, why the said rule granted by this Honourable Court on the nineteenth day of October last past, should not be made absolute.

Montreal, 10th February, 1834.

(Signed,)

Buchanan & Andrews,
For said Logie.

(A True Copy,)

Monk & Morrough, Proth'y.

Province of Lower Canada,
District of Montreal.

William the Fourth, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

(L. S.)

To Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Le Bourdais, Olivier Théophile Bruneau, Albigenne Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier, being the Board of Examiners for the District of Montreal, chosen, elected, and approved according to law, for examining persons applying for a license or commission to practice as a Physician, Surgeon, Man-midwife, Apothecary, Chemist, Druggist, vender or retailer of Medicines within the said Province, and to their successor for the time being, Greeting:--Whereas William L. Logie of the City of Montreal, Esquire, after having studied the science of Medicine during five successive years, and after a course of Medical study in the University of McGill College, in the Parish of Montreal, in the said District of Montreal, in conformity to the rules of the said University, did obtain a Diploma or License, constituting him a Doctor in Medicine and Surgery, fit and qualified to practise Medicine and Surgery in all their branches, to him granted by the Principal and Professors of the said University of the McGill College, bearing date under the Common Seal of the said University of McGill College the twenty-fourth day of May, in the year of our Lord one thousand eight hundred and thirty three, the said University of McGill College, then and there being a body corporate, erected and constituted by Our Royal Brother, His late Majesty King George the Fourth, by Letters Patent bearing date at Westminster, the thirty first day of March, in the second year of His Reign; And whereas by reason of the premises the said William L. Logie, became and was lawfully entitled to have and receive from you a certificate whereby he might have obtained from the Governor-in-Chief, Lieutenant Governor or person administering the Government of our said Province, a license or commission to practise as a Physician and Surgeon, in the said Province; And whereas in consideration of the premises, you the said Board of Examiners for the said District of Montreal, ought to have given and granted to the said William L. Logie, your certificate in that behalf; And whereas the said William L. Logie, after having studied in manner aforesaid, and after having obtained from the said University of McGill College, the diploma or license in behalf aforesaid, did on the first day of July, now last past, tender and present himself to you the said Board of Examiners for the said District of Montreal, in order to have and receive from you a certificate whereby he should be enabled to obtain from the Governor-in-Chief, Lieutenant Governor, or person

(157)

administering the Government of our said Province, a license or commission

to practise as a Physician and Surgeon in our said Province; and did then and there before you produce, exhibit and verify his said diploma or license obtained from the said University of McGill College to be examined by you, when and where the same was by you seen and examined, and did then and there before you make oath that the said diploma or license was granted to him the said William L. Logie, and not to any other person, and that he had obtained the same after having studied the science of Medicine during five successive years, and the said William L. Logie, being then and there willing to pay to you the sum of twenty shillings for your certificate in the behalf aforesaid, did then and there require and demand of and from you, the said Board of Examiners for the said District of Montreal, your certificate whereby he should be enabled to obtain from the Governor-in-Chief, Lieutenant Governor or person administering the Government of our said Province, a license or commission to practice as a Physician and Surgeon in the said Province, yet you the said Board of Examiners for the said District of Montreal, well knowing the premises but having no regard for the duty of your office in that behalf, did then and there, without any reasonable cause, absolutely refuse, and yet do refuse, to give and grant to the said William L. Logie, your certificate in the behalf aforesaid, in manifest contempt of us, and to the great damage and grievance of the said William L. Logie, as we have been informed from the complaint of the said William L. Logie, made to us in that behalf. We therefore being willing that due and speedy justice may be done to the said William L. Logie, in this behalf as it is reasonable, do command you, firmly enjoining you, that immediately after the receipt of this our writ, you do without delay give and grant to the said William L. Logie your certificate in due and proper form according to Law, whereby the said William L. Logie shall be enabled to have and obtain of and from the Governor-in-Chief, Lieutenant Governor, or person administering the Government of our said Province, a license or commission to practise as a Physician and Surgeon in our said Province, or shew us cause to the contrary thereof, that the same complaint may not by your default, be again repeated to us, and how you shall have executed this our writ, make it known to us, in our Court of King's Bench, for the said District of Montreal, at the City of Montreal, in the said District, on Monday the second day of June, now next ensuing, at the hour of ten of the Clock in the forenoon, then returning to our said Court, this our writ; upon peril, that may fall thereon.

Witness the Honourable James Reid, Esquire Chief Justice of our said Court of King's Bench, for the said District of Montreal, at the said City of Montreal, this twelfth day of May, in the fourth year of our Reign.

(Signed,)

Monk & Morrogh, Porth'y.

(A True Copy.)

Monk & Morrogh, J. K. B.

Rule to shew cause made absolute, the nineteenth day of April, in the year one thousand eight hundred and thirty four.

(Signed,)

George Pyke, P. K. B.

(A true Copy.)

Monk & Morrogh, Proth'y.

(Translation.)

District of Montreal

Court of King's Bench,
June Term, 1834.

We, Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Le Bourdais, Oliver Théophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier and Thomas Bouthillier, mentioned in the writ of Mandamus hereunto annexed, as composing the Board of Examiners chosen, elected and approved, according to Law, to examine persons desirous of obtaining a license or commission to practise as a Physician, Surgeon, and Man-Midwife, Apothecary, Chemist, Druggist, or Vendor or retailer of Medicines, in this Province, humbly certify and return to this Honourable Court, in obedience to the said writ of Mandamus served upon one of us, the said Daniel Arnoldi, President of the Board--That we have refused to grant to the said William L. Logie, in the said writ mentioned, the certificate required to enable him to obtain from the Governor, Lieutenant Governor or person administering the Government of this Province, a license or commission to practise as a Physician and Surgeon in this Province. And in obedience to the said writ, whereby we are commanded to assign our reasons for so doing, we hereby give and assign the following as our reasons for refusing as aforesaid:

1stly. Because when the said William L. Logie came before the Board of Examiners, to obtain a certificate, he did not produce and verify to the satisfaction of the said Board any Diploma which could, by law, exempt him from the examination, to which he refused to submit.

2ndly. Because the said William L. Logie did not shew that the said Diploma was granted to him after five years of study even in the College in which the said Diploma was obtained.

3dly. Because the said William L. Logie did not shew that, according to the rules and regulations of the College in which he graduated and received the Diploma by him produced, such Diploma could not be obtained except after five years of study in the said College.

4thly. Because the said William L. Logie did not think proper to answer the questions proposed to him by the Medical Board, nor to produce the documents required of him in order to enable the said Board to judge whether the obtaining of the said Diploma had been accompanied

by those formalities required by the Law, before it could produce, in favour of the Graduate, an exemption from examination.

5thly. Because the Rules, Statutes, and Ordinances of the said McGill College, as published and sanctioned, do not require of the Students desirous of obtaining a Degree of Diploma of a Doctor of Medicine, five consecutive years of study in the said College.

6thly. Because the said William L. Logie, not having produced a Diploma exempting him from undergoing an examination, refused to submit to the examination which he was bound to undergo, in order to obtain the certificate in question.

7thly. Because, independently of the matters above set forth, and even if the said William L. Logie were entitled to obtain the certificate in question, it has not been possible for the said Board to give such certificate to the said William L. Logie, because, before the service of the said writ of Mandamus on the President of the Board, to wit, for several months past, the said William L. Logie had been absent from the Province.

(158)

Which said Return we humbly submit to this Honourable Court.

Given under the hand and seal of the undersigned President of the said Board of Examiners at Montreal, the 12th day of June, 1834, in the fourth year of the Reign of His Majesty King William the Fourth,

(Signed,)

D. Arnoldi, P. M. M. B.

(L. S.)

(True Copy,)

Monk & Morrogh, P. B. M.

Court of King's Bench, Montreal.

(No. 1880) *Exparte*. William L. Logie, Esq.

I, the undersigned Bailiff, do hereby return and certify, that on the first day of March, 1834, I did serve a copy of the annexed orders on the following Members of the Medical Board for the District of Montreal, viz: Louis Marié Ralph Barbier, of the Parish of Berthier, by delivering the same to himself in person, about eight o'clock in the forenoon; and I further certify that on the seventh day of March, between the hours of three and five o'clock in the afternoon, I did serve a copy of the same on each of the following named persons, by delivering the same to

themselves in person, at their domiciles in the City of Montreal, viz: Daniel Arnoldi, Robert Nelson, Pierre Beaubien, and Guillaume J. Vallée; and also I did serve a copy of the same on Jean Baptiste Le Bourdais, by leaving the same at his domicile at Montreal, on the said last mentioned day and time, speaking to a grown person of his family; and I further certify that on the eighth day of March, 1834, about one o'clock in the afternoon, I did serve a copy of the same on Olivier Théophile Bruneau, by delivering the same to himself in person at his domicile at Montreal.

(Signed,)

J. Murphy, Bailiff.

I the subscribing Bailiff, do hereby return and certify that on the tenth day of March, 1834, at twelve o'clock, noon, at the Parish of Chambly, I did serve a copy of the annexed orders on Thimothé Kimber, one of the Medical Board of Examiners of the District of Montreal, by leaving the same at his domicile, speaking to a grown person of his family.

(Signed,)

William Coates, Bailiff.

I, the undersigned Bailiff, do hereby return and certify that on the tenth day of March, 1834, at 3 o'clock in the afternoon, in the Parish of L'Assomption, I did serve a copy of the annexed orders on Jean Baptiste Meilleur, one of the Medical Board of Examiners of the District of Montreal, by leaving the same at his domicile, speaking to himself in person.

(Signed,)

Jos. Tison, B. K. B.

I, the subscribing Bailiff, do hereby return and certify, that on the eighth day of March, 1834, at 3 o'clock in the afternoon, at the Parish of St. Denis, I did serve a copy of the annexed orders on Wolfred Nelson, one of the Medical Board of Examiners of the District of Montreal, by leaving the same at his domicile, speaking to a grown person of his family. And I also further certify and return that on the tenth day of March, 1834, at one o'clock in the afternoon, at the Parish of St. Hyacinthe, I did serve a copy of the annexed orders on Thomas Boutillier, one of the Medical Board of Examiners of the District of Montreal, by leaving the same at his domicile, speaking to himself in person.

(Signed,)

W. E. Ball, Bailiff.

I, the subscribing Bailiff, do hereby return and certify, that on the tenth day of March, 1834, at twelve o'clock in the day, at the Parish of St. Therèse, I did serve a copy of the annexed orders on Albigense Waldo Robinson, one of the Medical Board of Examiners of the District of Montreal, by leaving the same at his domicile, speaking to a grown person of his family.

(Signed,)

F. L. Gerraud, Bailiff.

Province of Lower Canada,
District of Montreal,

Court of King's Bench,
Saturday, 19th of October, 1833.

PRESENT:

The Honourable James Reid, Chief Justice,

" Mr. Justice Pyke,

" Mr. Justice Rolland.

(1880.) Exparte. William L. Logie, Esquire.

It is ordered on the motion on behalf of William L. Logie, of the City of Montreal, Esquire, inasmuch as Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Valée, Wolfréd Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Lebourdais, Oliver Theophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier, being the Board of Examiners for the District of Montreal, chosen, elected and approved according to Law for examining persons applying for a License or permission to practise as a Physician, Surgeon, Man-midwife, Apothecary, Chemist, Druggist, Vender or Retailer of Medicines within the said Province, did on the first day of July, now last past, and do still refuse to give and grant to the said William L. Logie, their certificate to enable him to obtain from the Governor-in-Chief of the said Province, a License or Commission to practise in the said Province as a Physician, Surgeon, Apothecary and Man-midwife, the said William L. Logie having produced and verified before the said Board of Examiners his Diploma or License constituting him a Doctor in Medicine and Surgery, fit and qualified to practise Medicine and Surgery in all their branches, to him granted by the Principal and Professors of the University of McGill College at Montreal, in the said Province, bearing date under the Common Seal of the said University of McGill College, the twenty-fourth day of May, in the present year of our Lord one thousand eight hundred and thirty-three, the said University of McGill College then and there being a Body Corporate, erected and constituted by His

Majesty King George the Fourth by Letters Patent, bearing date at Westminster, the thirty-first day of March, in the second year of His Reign, which Diploma or License was by him, the said William L. Logie, obtained after a course of Medical Study in the Medical Faculty of the

(159)

said University of McGill College, being a Medical Institution, in conformity to the Rules thereof, and after having studied the Science of Medicine five successive years, and he the said William L. Logie having at the time aforesaid, before the said Board of Examiners proved that he was a fit and proper person to obtain a License in the behalf aforesaid, that the said Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Lebourdais, Oliver Théophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier, being such Board of Examiners as aforesaid for the District of Montreal, or their successors for the time being, do appear in this Honourable Court, on the first day of February now next ensuing, at ten of the clock in the forenoon, to show cause, if any they have, why His Majesty's Writ of Mandamus should not issue, to them addressed, commanding them to give and grant to the said William L. Logie, their Certificate whereby the said William L. Logie shall be enabled to obtain from the Governor in Chief of the said Province a License or Commission to practise as a Physician, Surgeon, Apothecary, and Man-Midwife in the said Province.

By the Court,

(Signed,)

Monk & Morrogh, P. K. B.

Wednesday, 19th February 1834.

PRESENT:

The Honourable James Reid, Chief Justice.

" Mr. Justice Pike,

" Mr. Justice Rolland,

(No. 1880.) Exparte.--William L. Logie, Esq.

It is ordered on the motion on behalf of the said William L. Logie, that the Rule to shew cause, in the said cause granted by this Honourable Court on the nineteenth day of October last past, be revived and extended to the second day of April now next ensuing, and that Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Le Bourdais, Olivier Théophile Bruneau, Albigense Waldo Robinson, Louis Marié Ralph Barbier, and Thomas Bouthillier, being the Board of Examiners in the

said Rule mentioned, do accordingly appear in this Honourable Court on the said second day of April next, at ten of the clock in the forenoon, to shew cause, if any they have, why the said Rule granted by this Honorable Court, on the nineteenth day of October last past, should not be made absolute.

By the Court,

(Signed,)

Monk & Morrogh, P. K. B.

(True Copy)

Monk & Morrogh, Proth'y

District of Montreal.

Court of King's Bench.

(No. 1880.) Exparte--William L. Logie, Esq.

Thomas Walter Jones, of the City of Montreal, Esquire, Doctor of Medicine, being duly sworn, maketh oath and saith, that after having pursued part of his Medical studies in the University of McGill College, at Montreal, aforesaid, he did repair to Edinburgh, in Scotland to complete his said studies, in the year one thousand eight hundred and thirty-one, and having arrived, was entered of the University of Edinburgh, being one of the most distinguished Medical Faculties or Schools in Europe; that, after a residence at Edinburgh aforesaid, of a space between eighteen months and two years, and having there pursued his studies during two winter courses, each of six months, and one summer course, of three months, he was admitted to the degree of Doctor of Medicine by the said University of Edinburgh, and received, from that body a Diploma of Doctor of Medicine; that, by the Statutes of the said University of Edinburgh, the study of Medicine, during four years, either in that University or in some other Institution, where students are promoted to the highest honors in Medicine, after studying during six months, at least in each year, entitled to the degree of Doctor of Medicine, and that the Principal and Professors of the said University of Edinburgh, in completion of the said four years period of study, received and reckoned the tickets or certificate of study of this Deponent in the said University of McGill College, as they usually have done since the Medical Faculty in the said University of McGill College, began to grant degrees. That the Diploma granted by the said University of Edinburgh to this Deponent and others, in the Latin language, is of the following import:--"We, the Principal and Professors of the University of Edinburgh hereby certify or attest that A. B., after he had proved

his progress in Medical science, and shewn his worthiness before the Medical Faculty, and on that account had been recommended to us by the said Medical Faculty, did attain the highest honor in Medicine, that is the degree of Doctor, having first publicly submitted his inaugural dissertation on _____ to the censure of the Professors, taken the oath, and observed the other formalities; and that the amplest power of reading, teaching and practising Medicine all over the world was granted to him, as well as all other privileges, rights and immunities which here or elsewhere are usually granted to those who have been promoted to the eminence of Doctor." That this Deponent obtained his said Diploma on the twelfth day of July, one thousand eight hundred and thirty-three, and having returned to this province this Deponent applied in January last past, to the Board of Examiners for the District of Montreal, appointed under the Provincial Act of Parliament for granting to Candidates their Certificate to enable them to obtain a License to practise Physic and Surgery in the said Province; that the said Board of Examiners granted to this Deponent their certificate in that behalf (under which he has been since licensed), upon his production of his said Diploma, and upon his making oath before the said Board that the said Diploma had been granted to himself after five years study of Medicine; and that the said Board did not require the Deponent to make oath that the said five years study of Medicine had been performed in the said University of Edinburgh; that this Deponent knows that the late James Robinson, Esq. Doctor of Medicine, of the said University of Medicine, obtained a certificate from the said Board of Examiners, upon production of his Diploma, granted by that University, although the said James Robinson had resided at Edinburgh no more than three years, and consequently, could not have studied a longer period in that University.

Sworn, in open Court, 11th April, 1834.

(Signed)

Thomas Walter Jones, M. D.

(Signed)

Monk & Morrogh, P. K. B.

(True Copy,)

Monk & Morrogh, Proth'y.

(160)

The President of the Montreal Medical Board, being deputed to lay its resolutions before the Court, takes the liberty of presenting them in this form. At the same time begs leave to intimate, that he is in hourly expectation of receiving intelligence from His Excellency the Governor, relative to having Council appointed to maintain the interest and dignity of the Board. Hoping the Honourable Court would, if it thinks proper, defer taking any further steps for the present, till somebody can be legally appointed to advocate the cause of the Board, as the Members never conceived it was in the contemplation of the

Legislature that the Members were to fee Counsel to defend their judgments, whenever it suits the caprice or interests of any individual to impeach them, especially as their duties are performed gratuitously, and by members scattered in the most distant parts of the District, that are called upon to leave their homes and business, and to incur expense in maintaining the decisions that they are called upon by the Law to award.

All which is humbly submitted, by

(Signed,)

Daniel Arnoldi, P. M. M. B.

Montreal, April 9th, 1834.

At the 10th Trimestiral Session of the Medical Board of the District of Montreal, held on the 7th April, 1834. The Rule of the Court of King's Bench for the District of Montreal, dated October, 1833. The Board came to the following determinations.

We, the President and Members of the Medical Board for the District of Montreal through our President, by us hereby authorised, in this behalf reply. Firstly, to that part of this Rule of the Court which calls on us "To show cause why His Majesty's Writ of Mandamus should not issue to us, commanding us to give unto Wm. L. Logie our Certificate that it always has been and is yet the opinion of the Board that it is the Interpreter of the Law, and that appeal can be had from the decision of the Board in those cases only where a Candidate for the Certificate of the Board may deem himself aggrieved by any thing done under the authority of the Rules and Regulations to be made by the Board." (Will. IV: Chap. 27; Art. xii.)

By this Clause of the Law the Board is specially appointed. It is therefore manifest that no general appeal can be had, but on the contrary only in those cases which come within the provision of the Law as before referred to. Now the Board denies that Mr. Logie has suffered in any way from any thing done by any authority of the Rules and Regulations of the Board, and the Board further denies the assertion contained in the Rule of the Court in these words, "And that the said W. L. Logie before the said Board proved that he was a fit and proper person to obtain a license in that behalf, &c.," and declares that assertion to be untrue, as may be seen from the following extract of the Register of the Board, page 61: "Mr. W. Logie presenta un Diploma de Docteur en Medicine de l'Université de McGill College, son Diplome fut unanimement rejecté, n'étant pas conform à la loi ni supporté des documents nécessaires à la satisfaction du Bureau ce que lui fut annoncé et Offre de les examiners lui fut faite." From this extract of the register it will appear that the Diploma of Mr. Logie is not conformable to the Law, which it is the duty of the Board to administer, the said Diploma being a mere certificate of the knowledge and ability of the Candidate, W. Logie, to practice Physic and Surgery, in the opinion of those who

granted the same. From this Diploma the Board could glean no knowledge of the period of study required in the College, which in any case cannot be less than five years, nor is it in the power of any other authority than that of the Legislature to cancel.

In the Act (William IV: Chap. 27: Art. 6.) it is expressly declared that the person desirous of availing himself of the privilege of a degree, and from a University, shall have obtained "the said degree after a due course of Medical study performed in such University, and in conformity to the Rules thereof, and after five years study at least, and not otherwise."

Mr. Logie was asked for other Documents besides his Diploma in order to verify this fact to the satisfaction of the Board, (Guil. IV: Chap. 27.) whether he really had studied conformably to the Rules of such University, which documents he refused to lay before the Board--and in order to afford him time to reconsider his refusal, and produce the said documents required on the part of the Board, he was informed by the President that the Board would adjourn its Sessions until the next day, to which offer he declined acceding; he was next offered an examination, and this also he refused to accept of.

When the Charter of a University requires a course of study of five consecutive years previous, to enable a person to obtain his degree, and that a degree conformably to this Rule be granted, the possessor of such degree on verifying the same to the satisfaction of the Board, undoubtedly would receive the Certificate of the Board. But if the Rule and Regulations of the University stipulate a less time than that stated in the Law, which this Board administers in that case, the Board feels itself bound to refuse every degree that may emanate from such University, inasmuch as the degree is nothing more than a special certificate, and cannot imply under any circumstances a period of study either longer or shorter than the period stipulated in its Charter.

This opinion of the Board has already been acted upon, and on the same day that Mr. Logie, claimed an exemption from examination in the supposed ground of right that his degree conferred, Mr. G. W. Campbell also presented a degree from the University of Glasgow, which degree was also refused as may be seen from the following extract from the Register of the Board, page 61:--"Mr. G. W. Campbell presenta un Diploma de Docteur en Médecine de l'Université de Glasgow obtenu après quatre années d'études ce qui fut rejeté." Mr. Campbell then suffered an Examination and obtained his Certificate.

(True Copy from the Register, p. 80.)

(Signed)

Th. Huguet Latour, Sec.

(True Copy,)

Monk & Morrogh, Proth'y.

Castle St. Lewis,
Quebec, 8th April, 1834.

SIR,

Your Petition, of the tenth of March last, praying, on behalf of the Board of Medical Examiners at Montreal, with reference to a suit instituted against them by Mr. William Logie, that Council might be appointed to maintain the dignity of the Board, and prevent a judgment being given against them by default, having been referred to the Attorney General for his opinion thereon, I am directed by His Excellency the Governor in Chief, to acquaint you, for the information of the Board, that that

(161)

Officer has reported that they are not entitled, as a right, to the services of the Officers of the Crown, and that it ought not, in the present instance, to be granted as an indulgence, as it would be both highly inexpedient and unjust towards Mr. Logie (who it must be presumed, prosecutes his rights at his own expense) to arm the Board with the gratuitous services of the Officer of the Crown; that besides, the Board can have nothing to apprehend, for should it appear to the Court of King's Bench that they acted in conformity to the law, the Court will, most assuredly, allow them their expenses of defence. Under these circumstances, His Lordship has directed me to express his regret that he cannot comply with the prayer of the Board.

His Lordship further directs me to state, that had the Attorney General reported differently on the subject, still he has no funds at his disposal for defraying the law expenses of maintaining the suit against the Board.

I have the honour to be, Sir,
Your most obedient Servant,

(Signed,)

H. Craig, Secretary.

To

Dr. Arnoldi, President of the Board of Medical Examiners, at
Montreal.

(A True Copy.)

Monk & Morrogh, Proth'y.

Castle of St. Lewis,
Quebec, 21st January, 1832.

SIR,

The case submitted on the part of the Medical Board at Montreal, respecting Diplomas from the College of Vermont, in the United States, obtained by Students in medicine, who have or may present themselves before the Board to obtain admission to practise, having been referred to the Solicitor General for his opinion on the subject, I have received the commands of His Excellency the Governor in Chief, to transmit to you the enclosed copy of the opinion given by that Officer, for the information of the Board--by which you will perceive that the Board will be justified in refusing certificates to candidates who have not complied with the provisions of the Acts referred to.

I have the honour to be, Sir,
Your most obedient humble Servant,

H. Craig.
Secretary.

To

J. B. Le Bourdais, Esquire, Secretary to the Board of Medical Examiners, Montreal,

(True Copy.)

Monk & Morrogh, Proth'y.

Province of Lower Canada,
District of Montreal.

Court of King's Bench, 1834.

(No. 1880.) Exparte. William L. Logie, Esquire.

We hereby, on behalf of the said William L. Logie, inscribe the said cause on the Rôle de droit, for hearing on the merits thereof, on the sixteenth day of April, instant, to the end that the Rules in the said cause obtained may be declared absolute.

Montreal, 14th April, 1834.

(Signed,)

Buchanan & Andrews,
For said W. L. Logie.

(A True Copy.)

Monk & Morrogh, Proth'y.

District of Montreal.

Court of King's Bench.
April Term, 1834.

(No. 1880.) *Exparte.* William L. Logie

Daniel Arnoldi, Robert Nelson, Pierre Beaubien, Guillaume J. Vallée, Wolfred Nelson, Thimothé Kimber, Jean Baptiste Meilleur, Jean Baptiste Le Bourgeois, Olivier Théophile Bruneau, Albigenes Waldo Robinson, Louis Marie Ralph Barbier, and Thomas Bouthillier, being the Board of Examiners for the said District of Montreal, for examining persons applying for a license or commission to practise as a Physician, Surgeon, Man-midwife, &c.

Take notice, that we have this day, on behalf of the said William L. Logie, inscribed the said cause on the Rôle de droit for hearing on the merits thereof, on the sixteenth day of April, instant, to the end that the Rules in the said cause obtained may be declared absolute.

(Signed,)

Buchanan & Andrews,
For said W. L. Logie.

Montreal, 14th April, 1834.

(A True Copy.)

Monk & Morrogh, Proth'y.

Received a true copy of the within notice, this 14th day of April, 1834.

(Signed,)

Monk & Morrogh, Proth'y.

Samuel Cornwallis Monk, of the City of Montreal, Gentleman, maketh oath and saith, that on the 14th day of April, instant, between the hours of eleven and twelve of the clock in the forenoon he served a true copy of the within notice upon the within named Daniel Arnoldi, by delivering the same to him in person at his domicile in St. James-street, and hath signed.

(Signed,)

S. C. Monk.

Sworn before me this fifteenth day of April, 1834.

(Signed,)

George Pyke, J. K. B.

(True Copy.)

Monk & Morrogh, Proth'y.

Montreal.

In the King's Bench, June Term, 1834.

(No. 1880.)

Dominus Rex.
vs.
Daniel Arnoldi, et. al.

Motion on the part of Daniel Arnoldi
and others, that delay be granted them
until the ninth day of June instant, to

(162)

make their return to the writ of Mandamus issued and served upon them.

Montreal, 2d June, 1834.

(Signed,)

Cherrier & Laberge, Attornies.
For the said Arnoldi, et. al.

We consent.

(Signed,)

Buchanan & Andrews.

(True Copy.)

Monk & Morrogh, Proth'y.

Province of Lower Canada,
District of Montreal.

In the King's Bench, Monday, the second day of June, 1834.

PRESENT:

The Honourable Chief Justice Reid,
" Mr. Justice Pyke,
" Mr. Justice Rolland.

(1880.)

Dominus Rex.
vs.
Daniel Arnoldi, et. al.

The Court on consent of the parties by
their respective Attornies, orders
that delay be granted to the said
Daniel Arnoldi and others, until the ninth day of June instant, to make
their Return to the writ of Mandamus issued and served upon them.

By the Court,

Monk & Morrogh, Proth'y.

District of Montreal.

Court of King's Bench.

(No. 1880.)

Our Sovereign Lord the King, Plaintiff,

vs.

Daniel Arnoldi, and others, Defendants.

To the said Daniel Arnoldi, Esquire, and others, Defendants, and to Messieurs Cherrier and La Berge, Advocates and Counsel for the said Daniel Arnoldi and others in the said cause.

Take notice, that on Tuesday next, the seventeenth day of June instant, as soon as Counsel can be heard, we shall move on behalf of William L. Logie, mentioned in the writ of Mandamus, in the said cause issued, that the return of the said Defendants to the said writ of Mandamus made and filed by the Defendants in the said cause, be quashed.

1st. Because the said Return does not answer the said writ nor deny the facts in the said writ set forth and alleged.

2nd. Because the said return is argumentative and contains conclusions of law or legal deductions.

3rd. Because the said return is wholly insufficient; and that we shall then and there further thereupon move that a peremptory writ of Mandamus do issue, addressed to the Defendants, and their successors in office, commanding them to give and grant to the said William L. Logie, their certificate as by the said writ of Mandamus already issued, they were commanded, the whole with costs.

Montreal, 14th June, 1834.

(Signed,)

Buchanan & Andrews.

(True Copy,)

Monk & Morrogh, Proth'y

I the subscribing Bailiff, do hereby certify and return, that on the fourteenth day of June, 1834, at the hour of four o'clock in the afternoon, I served a true copy of this notice, on the within named Cherrier and La Berge, Esquires, by delivering the same with the aforesaid La Berge

at his Office, in the City of Montreal, and I further certify that on the same day and at the same hour, I served a true copy of this notice on the within named Daniel Arnoldi, Esquire, by leaving the same with and speaking to himself in person, at his domicile in the City of Montreal.

(Fees 3s. 9d.)

(Signed,)

Robert Lovell, B. K. B.

(True Copy.)

Monk & Morrogh, Proth'y.

District of Montreal,

Court of King's Bench,

Our Sovereign Lord the King,

vs.

Daniel Arnoldi, and others.

Motion on behalf of the said William L. Logie, named in the writ of Mandamus in the said cause issued, that the return of the said Defendants, made to the writ of Mandamus in the said cause issued and filed by the said Defendants be quashed.

1st. Because the said return does not answer the said Writ, nor deny the facts in the said Writ set forth and alleged.

2nd. Because the said return is argumentative, and contains conclusions of Law or Legal Deductions.

3rd. Because the said Return is wholly insufficient.

And motion further thereupon that a peremptory Writ of Mandamus do issue, addressed to the Defendants and their successors in office, commanding them to grant to the said William L. Logie their certificate, as by the said Writ of Mandamus already issued, they were commanded.

The whole with costs.

Montreal, 17th June, 1834.

(Signed,)

Buchanan & Andrews,
Att'ys for said W. L. Logie.

(A true Copy.)

Monk & Morrogh, Proth'y.

District of Montreal.

Court of King's Bench,

The King, vs. D. Arnoldi, et. al.

We hereby inscribe the said cause for hearing on the motion made in the said cause on the 17th day of June last past by William L. Logie, on

(163)

Tuesday the 7th day of October, instant.

Montreal, 4th October, 1834.

(Signed,)

Buchanan & Andrews,
For W. L. Logie.

By consent.

(Signed,)

Cherrier & La Berge, Attorneys.

(True Copy.)

Monk & Morrogh, Proth'y.

Province of Lower Canada,
District of Montreal. }

Court of King's Bench.

Saturday the Eighteenth day of October, One thousand eight hundred and thirty four.

PRESENT:

The Honourable Chief Justice Reid,
" Mr. Justice Pyke,
" Mr. Justice Rolland
" Mr. Justice Gale.

(No. 1880.)

Exparte. William L. Logie of the City of Montreal, Esquire.

The Court having heard the parties, upon the rule obtained by William L. Logie, to quash the return to the writ of Mandamus in this cause, issued at the instance of the said William L. Logie, and thereon deliberated; It is considered and adjudged that the said rule be and the same is hereby declared absolute, and that the said return be and the same is

hereby quashed, and it is ordered that a peremptory Mandamus do issue, addressed to the said Defendants and their successors in office, commanding them to grant the certificate required by the said William L. Logie, on his making the Declaration on oath, and paying the fee of twenty shillings, in conformity to the Statute in such case made and provided.

(A True Copy.)

Monk & Morrogh, Proth'y.

Province of Canada,
District of Montreal.

(No. 1880.)

Exparte on the application of William L. Logie.

We hereby certify the foregoing to be true copies of the legal proceedings and judgment and documents filed in the said Exparte application of Logie versus. The Montreal Medical Board, given at Montreal, this fourteenth day of November, one thousand eight hundred and forty-three.

(Signed,)

Monk & Morrogh, Proth'y.

Ordered, That two hundred copies of the said Report be printed in each of the English and French Languages, for the use of the Members of this House.

Petition of A.
Johnston and
others.

Mr. McLean from the Select Committee to which was recommitteed the Report on the Petition of Adam Johnston and other Inhabitants of the third Concession of the Township of Cornwall, in the Eastern District, presented to the House the second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"In obedience to the order of Your Honourable House, your Committee have reconsidered their First Report, and obtained further evidence, and also a plan, illustrative of the prayer of the Petitioners."

Third Concession
Boundary Line,
Cornwall.

Ordered, That Mr. McLean have leave to bring in a Bill for better defining and establishing the Eastern Boundary Line of the third Concession of the Township of Cornwall, in the Eastern District.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

General Sessions of the Peace, Saint Francis.

Ordered, That Mr. Hale have leave to bring in a Bill to alter the Terms of the General Sessions of the Peace in and for the District of Saint Francis.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Friendly Societies.

Ordered, That Mr. Hale have leave to bring in a Bill to afford protection and encouragement to Friendly Societies.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Tuesday next.

Absconding Debtors.

Ordered, That it be an Instruction to the Committee of the whole House on the Bill, to enable Creditors to attach the personal

Estate of absconding Debtors, where the Bodies of such Debtors cannot now, by Law, be detained--to consider the same, and to provide that the provisions of the said Bill be extended, and made applicable to that part of the Province heretofore Lower Canada.

Leave of absence to Mr. Watts.

Ordered, That Mr. Watts have leave of absence for a fortnight from this day, on urgent business.

Private Stock Welland Canal.

Mr. Stewart from the Committee of the whole House on the Bill to repeal a certain Act therein mentioned, and to make further provision for enabling

the Provincial Government to purchase the Stock held by private parties in the Welland Canal, reported, according to order, that the Committee had gone through the Bill without making any amendment thereto.

Ordered, That the said Bill be engrossed.

Message from Legislative Council.

A Message from the Legislative Council, by John Fennings Taylor, Esq, one of the Masters in Chancery.

Mr. Speaker.

The Legislative Council have passed the following Bills, without any amendment:--

Preservation of Fish.

"An Act for the better preservation of certain species of Fish in the Rivers and Waters of the Counties therein mentioned."

Bishop's Col-
lege, Quebec.

"An Act to incorporate "Bishop's College," in
the Diocese of Quebec."
And also,

Court of
Appeals Lower
Canada.

The Legislative Council have passed the Bill,
intituled, "An Act for the establishment of a
better Court of Appeals in Lower Canada," with
several amendments, to which they desire the

(164)

concurrence of the Legislative Assembly.

And then he withdrew.

University
Toronto.

The Order of the day for the second reading of
the Bill to provide for the separate exercise of
the Collegiate and University Functions of the
College established at the City of Toronto, in Upper Canada; for incor-
porating certain other Colleges and Collegiate Institutions of that
Division of the Province with the University; and for the more efficient
establishment and satisfactory Government of the same, being read,
Ordered, That the said Bill be now read a second time.¹

Enquiry having been made if counsel on behalf of Kings College were
in attendance; and answered in the affirmative, the Speaker ((MR. CUVILLIER))
directed counsel, to be called in² .

164)

Then Counsel was called in, and the Bill was read a second time.

Petition, Bishop
of Toronto,
read.

And the Petition of the Right Reverend the
Lord Bishop of Toronto, against the Bill, which
was presented to the House on Monday, the sixth
instant, was read,

Counsel heard.

And the Counsel was heard;

Hon. MR DRAPER appeared at the bar of the House, and addressed the
House as follows; Mr Speaker, familiar as I have been with business in
Courts of Law and accustomed to represent clients with whose interests
I have been entrusted, this situation is nevertheless novel and embarrass-
ing to me. Novel because, although appearing as an advocate on behalf
of the Council of Kings College, to defend the rights and interests of
that Corporation, yet is this unlike other tribunals; for it is against
the omnipotence of Parliament I am to assert them. Authorities,
decisions, bind ordinary jurisdictions; *ita lex est* is an impregnable
position. There law is administered, here it is made. Unlike even
Committees authorized to try elections, where decisions are held binding,
and there is or may be a code of principles and authorities, to which to

appeal. My position is embarrassing, because though defending, I have no one standing on the same arena, whom I may treat as making the attack; the argument on my part must be exclusively in anticipation, while I cannot, except from surmise or deduction, arrive at the arguments, which are to be urged in its support; because I am (without in my present position presuming to enquire who,) compelled to assume that this measure, originating here, has, if not its author, some one who adopts it as his own, as well as its advocates, within these walls, and I am therefore, in defending my clients against the measure, unavoidably, though indirectly, assailing those who are in one sense the Judges of the question, while in another sense they may be termed the counsel or partizans of the cause to which I am opposed. Therefore, though desirous of speaking only of things having reference to the bill, disclaiming all personal allusions and intending no individual where the forms of speech may compel the adoption of a supposed assailant, I yet must throw myself on the indulgence of the House, claiming not only its most patient attention, but also its most indulgent interpretation, asking you not to forget I am before you as the advocate of others. And, indeed, I have reason to ask for this, seeing the magnitude of the subject, the variety of its details, the incalculable importance of its results; and the more because I am here alone. I had anticipated the aid of an able and learned friend, whose keen discrimination, untiring research and vigorous faculties would have added weight to my observations, and who, hearing that on which I had touched, would have strengthened what I had commenced, and supplied what I had omitted. Therefore I again ask from this House every reasonable indulgence. In the first place, I shall take the liberty of submitting to the House the view in which at the outset, the constitutional question presents itself; and to declare that the bill now proposed is without precedent in the annals of British legislation. It is far from my intention, even as an advocate, and in that capacity availing myself of every argument to fortify the position of my clients, to resort exclusively to the antiquated notions of prerogative as they may be found in ancient writers; and although I may go back to an early period of English history, I will not maintain any principle which has not been maintained ever since; I will advocate only principles which, though venerable for their antiquity, like some of those massive structures which grace and adorn that glorious country on which we depend, have survived the long lapse of time, the shocks and tempests of change, and rear their lofty summits towards the sky, monuments of the soundness of their construction, of the imperishable character of their materials - principles which form part and parcel of the constitution as it is; principles of the truth whereof the very exceptions furnish irrefragable evidence, and which, nevertheless, I humbly submit will be violated, should this measure become a law. The Jura Coronae, according to an ancient writer, as long as they still remain attached to the Crown, are called prerogatives. When granted, or perhaps more properly speaking, delegated, to subjects, they are termed franchises. Of those franchises, Corporations form a branch, and Universities are properly civil Corporations. The exclusive right of the

Crown to institute Corporations, and the necessity for its expressed or implied consent to their existence, is undoubted, and has been so ever since the reign of Edward III, at which early period it was treated as long settled. For prescription, by which some Corporations exist, implies a previous grant. This power of the Crown to erect Corporations is nevertheless limited, and these limits explain its true nature and character. When it is intended to establish a Corporation vested with powers which by the common law could not be granted by the Kings charter, recourse must be had to the aid of Parliament; as where it was intended to confer the right of imprisonment, as was the case with the College of Physicians, or to confer an exclusive right of trading, as to the East India Company; or where a court was to be erected, with power to proceed in a manner different from the manner of the common Law, as the Courts of the Vice Chancellors at Oxford and Cambridge. And Mr Justice Blackstone well observes that, (till of late years) most of those statutes which are usually cited as having erected Corporations, do either confirm such as have been before created by the King, as the College of Physicians, erected by charter of Henry VIII and confirmed by statute 14 and 15, Henry VIII, ch. 5; or they permit the King to erect a Corporation in future, with such and such powers, as the Bank of England (which was a monopoly of a particular character) by Stat. 5 and 6, Wm. & M. ch. 20, and the British Fishery by Stat. 23. Geo. II. ch. 24. So that the immediate creative Act was usually performed by the King alone, in virtue of the prerogative. I have not failed to observe, that the third clause of the Act may be said to come within the spirit of the rule of enabling the King to grant exclusive privileges, inasmuch as it declares that henceforth "none of the said Colleges, nor any other College or Collegiate Institution of what nature or kind soever, now established or which may hereafter be established in Upper Canada, shall grant or confer or assume to grant or confier (sic) any of the degrees of Doctor, Master or Bachelor in any of the Arts or Faculties, but the conferring of all such degrees in that division of this Province shall henceforth rest solely with and be vested in the said University." I shall for the present content myself with remarking, as to this provision, that it clearly does not come within the principle of enabling the Sovereign to grant to a portion of his subjects privileges or rights, which, but for the grant, would be open equally to all. Its effect will be of a very opposite character, and one to which I shall have occasion to advert hereafter. With regard to Universities more especially, the observations I have made, as to the Royal prerogative, in granting charters of incorporation are peculiarly applicable, my position in that respect is impregnable; and I think I can show that there is no exception to the rule I have laid down, in the legislation of Great Britain - in other words, that there is no University there which has been created by Act of Parliament. The statutes passed in the 13th Elizabeth, were not charters erecting the Universities of Oxford and Cambridge; but confirming certain privileges and making good lost charters, deeds and grants. Trinity College, Dublin, has its charter

from Queen Elizabeth. A papal bull instituted St. Andrews in 1413, and in 1432 James the First (of Scotland) ratified its privileges. Glasgow was established by a papal bull in 1450, and a Royal charter in 1453, confirmed its establishment. Aberdeen commenced with a papal bull in 1491, with a Royal charter two years after. The College, now called King's College, was founded by Bishop Elphinstone in 1505. Marischal College, in New Aberdeen, was founded under Royal authority in 1593, ratified by an Act of the Scottish Parliament, and appears to have derived more from legislative authority than any I have named. Edinburgh was founded in 1582 by James the First of England, (Sixth of Scotland); he also increased and confirmed its property and privileges, by successive charters in 1584 and 1612, and in 1621 an Act of the Scottish Parliament was passed, confirming various grants of property made to the town of Edinburgh, for its support, and among other things ratifies the previous grants and charters. The University of Durham, owes its existence to a Royal charter, dated the 1st June 1837, and the London University, to two charters, one dated 28th Nov. 1837, and the other 5th Dec. 1837. All the English Universities have derived their charters direct from the Crown; and to that at Dublin, the same remark applies. Nothing has been granted by legislation, which it was the prerogative of the Crown to grant, and no alterations have taken place in any charter without the consent of the College itself. With respect to these Universities, therefore, my position will be found literally correct, and with regard to the Scotch, virtually so; though a discrepancy as to them would be unimportant, as they were not founded as ours were, under the operation of the English law. Even in our own experience, we have cases in point. The University of Queen's College, at Kingston, owes its foundation to a Royal charter, the act of the legislature creating it, having been disallowed; and Upper Canada Academy, now Victoria College, which is the strongest exception to the rule I have been able to find, owes its incorporation to a Royal charter of the 12th Oct. 1836. In incorporating a totally new University, therefore, I think it may be asserted that the Colonial Legislature are assuming to do that, which the Parliament of England never did - which the Parliament of Great Britain never did, and which the Parliament of the United Kingdom of Great Britain and Ireland never did. Were the objection therefore confined to the exercise of this power in the erection of a new Corporation without a Royal charter, and making that new Corporation and University, it would rest upon the solid foundation of the undeviating practice of the Legislature of that country from which, as regards Upper Canada, our Common Law, and as regards the whole Province, our Parliamentary precedents and practice are adopted and derived. But the objection does not stop there. This Bill goes much further. The precedent of Victoria College, may shew that the Crown will assent to an act extending the privileges of a Collegiate body, already incorporated by the Crown; but this Bill proposes to take away privileges granted by the Crown, by its Royal charter, under the Great Seal of the Empire; by the force of an act, by the giant omnipotence of Parliament to rescind

the King's grant - abrogate its Charter - annul the rights it has created. Surely, if the erection of an University be unprecedented, and may therefore be assumed to be not properly a Legislative but a Prerogative right, the destruction of a Royal charter is more unprecedented, and must be open to still graver doubt and objection.

I shall proceed to demonstrate that the crown cannot constitutionally exercise such a power. In doing so, I shall, I apprehend, afford some ground for the inference that the crown could not assent to such a measure; and, therefore, that this Legislature ought not to pass it. Inasmuch as the King's charter creates Corporations, the crown may mould and frame them in the first instance as it thinks fit; so, also, the King may, by consent of the Corporation, afterwards remodel them and grant additional rules for their governance, consistently with the principles of law: and this explains the reason why many instances may be found of more than one charter to the same incorporated body. But it is a clear principle that the King cannot, by his prerogative, diminish or destroy immunities once conferred and vested in a subject by a Royal Grant. For though the crown may grant a new charter to an existing Corporation, yet it rests in the opinion of that body to accept or reject such new charter; because the King cannot take away, abridge, or alter any liberties or privileges granted by him or his predecessors, without the consent of the individuals holding them. It is true, no particular form of acceptance is necessary. Acting under a new charter is of course an acceptance; even not objecting seems to determine the election. The instance of King's College and Marischal College at Aberdeen affords a striking illustration of the correctness of the position. After the abolition of Episcopacy in Scotland, Charles the First resolved to apply part of the revenues of the different Sees to the Universities, and he appointed a commission to inquire into the state of those of old and new Aberdeen, the result of which was his executing a charter uniting them as one University under the name of King Charles University of Aberdeen. The two colleges did not accept this new charter; they continued separate, and were so recognized in an Act of 1641, by which the grants of certain rents to them were ratified. A second attempt to form and incorporate them into one University was made about the year 1784, but proved abortive; nor have the labors of the Royal commissioners in 1836 or 1837 produced, so far as I am aware, any different result. I venture to affirm that the Imperial Parliament has not united these two Universities and Colleges against their will. I have thus, I trust, sufficiently maintained my position, that the King cannot diminish, abridge, or take away privileges conferred by his grant. Upon what principle the Legislature can call upon the crown to concur with them in so doing, remains to be shown. The crown holds its prerogative for the protection of the subject, not for his oppression. I have already shown that the crown cannot, if it would, take back that which it has once granted; the attempt would be dishonor. I admit there is an omnipotence in Parliament, but there is another power coequal with it; there is a moral force which may be brought to bear upon it; because

there cannot be an act of injustice done which will not, one day or other, recoil upon the perpetrators. I will not enquire what extreme case might call for and justify such an exercise of Parliamentary omnipotence, but I venture on the assertion, it ought to be an extreme case. Of all measures, this bill (a bill I cannot refrain from designating one of pains and penalties, of forfeiture and deprivation) is the very last with regard to which the advocate should rest on the conclusion, "*Stet pro ratione voluntas*." It may be urged that the Royal charter of incorporation has already been subjected to legislation, and that thus a precedent is afforded for the present course. It is true the charter was amended by the Statute 7. Wm. IV. c. 16, of Upper Canada; but to this I answer, there are three important considerations which entirely distinguish that case from the present. First, the prerogative was not invaded, for the King invited the attention of the Legislature to the matter; second, no right or privilege granted by the charter was taken away; and third, King's College offered no opposition, but accepted the amended charter, and went into operation under its provisions.

I have thus briefly endeavored to show, first, that the Legislature cannot, without infringing on the prerogative, erect a new corporation, with University powers and privileges; and, second, that it cannot, consistently with principle, as a mere act of will and power, deprive a corporation of the rights and franchises the crown has lawfully conferred on it. That the bill is open to both exceptions cannot be denied. If either is sustained, I humble submit, they should cause its present rejection: if both are sustained, then their combined force leads to a conclusion, that the Legislature cannot constitutionally transfer franchises given by the crown to a corporation which has them under a Royal charter, to a new corporation erected by itself. No one can deny that the bill is open to this exception; and that by its passage the Legislature would assume to itself the prerogative and say, you, the crown, have granted away for stated purposes certain portions of your lands; we, the Legislature, place them to other uses, King's College was erected by a charter of Geo. IV. given in 1828; it was erected as a College, with University powers; it was not created a University with colleges within it, but as a College, to which was added the powers of a University, the distinction is important. And here, Sir, I would solicit the attention of this honorable House to a brief consideration of what rights and privileges this bill aims to take away. By its operation, the power of regulating the studies necessary to qualify students taking degrees, - regulating the proficiency indispensable to obtaining degrees, and the time to be previously passed in academical study - the power of conferring them - the holding a convocation - in short every power and characteristic of our University is destroyed. Not only this, but its power over collegiate discipline is made secondary and subordinate, the powers conferred on this new University by the 15th section of the bill being in such large and general terms as to control the collegiate authority for almost every purpose. Let any

reflecting man ponder over the concluding words of the charter, which are substantially these - "We will, that these our Letters patent shall and may be good, firm, valid, sufficient and effectual in the law, according to the true intent and meaning of the same, and shall be taken and adjudged in the most favorable and beneficial sense, for the best advantage of the said Chancellor, President, and scholars of our said College, as well in our Courts of Record and elsewhere, and by all and singular Judges, Justices, officers, ministers and other subjects whatsoever of us, our heirs and successors" - let him then remember that this College, founded on these good, firm, valid, sufficient and effectual letters patent, has within the last six months matriculated its first students; that whatever complaints (sic) have been urged against it, no application has been made either to the crown or the Judges, who may visit on behalf of the crown, to exercise the visitatorial powers and functions, and to enquire into and check and control abuses; that no pretence exists of legal forfeiture, or if it does, that no proceeding had been instituted to bring such a question to judgment before a competent tribunal, the only constitutional mode of proceeding in such a case - (indeed if there was such a legal forfeiture, legislation would not have been resorted to) - but that the first step taken is, the introduction of a bill of disfranchisement an attempt to sweep away all the powers and privileges, as well as the property granted by the crown; and what must he think of the value of a Royal Charter, or of the respect it commands in this Province - what must he think of the security of rights, immunities and privileges resting on the Royal grant alone? I would ask, if there would exist much respect for Royal Charters in future? If as a binding hold upon Royal and national faith, they would be regarded with confidence? Another branch of the Constitutional question comes unavoidably under consideration on examining the third clause. I allude to the words by which the Crown is absolutely restricted from hereafter erecting any College or Corporate body with University powers. I have for a different purpose, referred to these words already; I now call attention to them, as containing the assertion of a right in the legislature virtually to supersede and abolish, not merely rights the Crown has granted, but also the prerogative and authority of the Crown for the future, to make similar grants. An examination of the 30th clause, in connexion with the 3d. clearly shews that such will be the effect of the measure, for that clause enacts that upon Her Majesty, her heirs or successors or other person, &c. conveying property, real or personal of sufficient value in the opinion of the Board of control of the University, for the endowment of a College, &c., it shall and may be lawful in any Charter of Incorporation which it may please Her Majesty, her Heirs or Successors, to grant under the Great Seal of the Province, to declare such College incorporated with the said University. What is the effect? It is a direct limitation and prescription of the Prerogative of the Crown; if passed, the Crown cannot give another Charter. Individuals who may be desirous of giving their property in what they conceive to be the best way, for the promotion of

a sound, religious system of Education, cannot do so, if they desire to apply it to an Institution in which the Divinity of our Church is taught, for there will remain no power to create an University, though the gravest objections to the management of that proposed by the bill, may exist. The two clauses taken together, amount to this: - No new University may be incorporated per se; but the crown may erect Colleges under certain circumstances, and incorporate them with this University. In other words the Sovereign, either under the Great Seal of the Empire, or of the Province, cannot exercise the Prerogative of incorporating an University in Canada; but may under the Provincial Great Seal, incorporate an endowed College, to be subject to this University. But the bill does not stop here. Hitherto the objections to it, are, first, the interference with or assumption of the Royal prerogative: second, the deprivation, as a mere act of power, of rights and privileges conferred by the crown: third, the infringement of the rights of the sovereign. The next objection I have to urge is, that it is a direct measure of confiscation, without even the form of trial: of forfeiture without either legal conviction or judgment. This bill has not confined its attack (for so I may call it) upon the privileges of the college, but the 36th and 37th clauses take away all the real and personal property of King's College, and appropriate it to the University ((for)) purposes of the new created corporation. The temporary provision of £500 per annum is too trifling an exception to render it necessary for me to qualify the expression. In this disposition of the property I am almost disposed to think that it has been forgotten that the original Charter of 15th of March, 1828 was to King's College. From an examination of this charter it is obvious that the erection of the college was the primary object. It begins with granting that there shall be "at or near our town of York in our said Province of Upper Canada, from this time, one College with the style and privilege of a University, as hereinafter directed, for the education and instruction of youths and Students in arts and faculties, to continue for ever to be called King's College". To continue for ever. Surely there can be no misconception of the meaning of that term - all must know its import. The incorporation is of the Chancellor "of our said College," the President "of our said College," the Professors "of our said College," and ((t))he persons admitted as Scholars "of our said College." This corporation was enabled from time to time to "have, take, receive, purchase, acquire, hold, possess, enjoy and maintain to and for the use of the said College, any messages" &c., "in Upper Canada, to the yearly value of £15,000 sterling;" and moreover, "to take, purchase, acquire, have, hold, enjoy, receive, possess and retain all or any good, chattels, charitable or other contributions, gifts or benefactions whatsoever." In pursuance of the intention of the corporation, the crown did grant lands for an endowment, which could only be given or taken according to the character, viz: "to and for the use of the College". I mean, this must be the legal effect of every grant to them by their corporate name. But by this bill the lands so granted are to be given to a new University; such a one as no Royal Charter ever yet was granted for, leaving nothing to the College, to the use of which the

land was granted. The venerable society for the propagation of the gospel in foreign parts, presented £500 worth of books of the standard divinity of the Church of England to the College, and this library is also to go to the new University, which is to have no Professor of Divinity or any Lecturer, class or examination in Divinity whatever. Can any one help enquiring "*Haec utrum lex est, an legum omnium dissolutio?*" Where can a parallel to this be found in the annals of constitutional legislation? Corporations have been dissolved, and their estates have escheated to the Crown. Such was the confiscation of property by Henry VIII on the dissolution of monasteries. I am not driven to justify that proceeding: that is for those to do who would make it a precedent. There the corporations to which the lands belonged were dissolved, and they consequently devolved upon the crown. But I cannot help remarking that those lands, originally set apart for religious and charitable purposes, and the loss of which for those purposes has been deeply felt, were granted, in no small portions to laymen; and yet since the Royal grant, one does not hear of proposals to deprive the Bedford family or the Duke of Devonshire of the lands so derived. Other forfeitures on legal principles there have been many; but no analagous (sic) case I can find which could be quoted as a precedent or an authority for this proceeding. True, their lands were the domain of the crown, so were once all the lands in Upper Canada when they were granted; why is the grant less sacred and less binding than the grant to U. E. Loyalists, to militia men and to settlers? or than those large - and as I have not unfrequently heard them called improvident - grants to government Officers, Executive Councillors and others, of former days? or than grants of which there have been many for any purpose of a specified public character. Of the profuse grants to private individuals in this country, without saying whether they were wise or unwise, this much I will say, however much they may have been condemned, forfeiture has never been thought of. When lands are alienated from the crown for such purposes, they are alienated forever. In the eye of the law, all those grants are equally sacred - why are they less so in the eyes of lawmakers? True, the lands in King's College were granted for a specific use and purpose, and one in which the whole Province has a deep interest. A misapplication might have rendered individuals responsible and called for and justified their removal. For this the power of the crown and of its courts is enough; and therefore, more especially without legal proof and legal judgment, legislative deprivation and (may I be excused in using the term which alone conveys my sense and meaning) spoliation, is not even to be thus palliated. Besides this, no supporter of this measure can sustain it on any such pretext, without falsifying the preamble, which, whatever may be the strength of the reasons it advances, contains not the most distant allusion to any such cause as calling for Parliamentary interposition, as rendering necessary this proposed law. The comparatively recent proceedings in England respecting charitable Corporations should not be overlooked. Time does not permit more than an allusion to them, but I cannot help inviting attention first, to the careful and scrupulous investigation which preceded any action; second, to the spirit of justice

in relation to the declared object for which those Corporations were instituted, in remedying abuses, restoring to their proper uses what had been misapplied, or where the fulfilment of original uses had become impracticable, the selection of others the nearest that circumstances permitted in accordance with the original intention. And though these lands were granted that they might be employed for a use most valuable for the people of Upper Canada, and not confined to them, are there no other grants of land for the advancement of religion and science, in which other portions of the people of Canada are interested, and which rest on the royal and natio(nal)) ... ?³ In Eastern Canada, two millions of acres of land are held for such purposes on a similar tenure, and if the principle of this Bill be now adopted, there may come a time in which there will be such a want of principle, that these lands will in like manner be interfered with. In short, if the principle on which this Bill seems based - the exercise of power - be carried out, where will it stop? To what endowments may it not be extended? Let all who have, or are interested in any such, pause before they furnish such a precedent, as I humbly contend this Bill affords. If by their aid it is established, a day may come when they shall have cause to exclaim, - "Quam temere in nosmet (sic) legem sancimus iniquam." Not only does this Bill take all property away from King's College, but it appropriates the lands (by the exclusive donation to the new University) in a manner which leaves unfulfilled a large part of the objects and intentions of the donor. I have already offered some observations on what I conceive to be the primary object of the charter. I must now claim a brief attention to its details. It appears to me that by this charter it was intended to combine the collegiate domestic discipline with the professional or university system of instruction. Among many reasons, which an examination of its charter will suggest, for this opinion, I may notice the incorporation as a College with University powers, and the power to make bye-laws respecting the salaries, stipends, provision and emoluments of and for the President, Professors, Scholars, &c., thereof. Now, it seems to me, that the word "Scholars," used here, means something different from an ordinary student or undergraduate, to and for whom there certainly is not usually provided salary or stipend. I conceive that it was intended there should be some scholarships endowed, as at Oxford, Cambridge and Dublin, open to competition, attainable by examination, and on due proficiency, placing the successful candidate on the foundation of the College - opening the education to those who might otherwise be unable to attain it, and stimulating the youth to exertion by the prospect of honorable reward, thus materially assisting to fulfil the intention of the founder, as stated, not in the preamble to this Bill, but in the preamble to his charter, namely: the education of youth in the principles of the Christian religion, and their instruction in the various branches of science and literature which are taught in the Universities in the United Kingdom. The large amount of real estate which the corporation was permitted to hold, countenances the opinion that it was intended to provide for the continued residence and support of many devoted to literary and scientific pursuits, according to the system of English

Universities. It is only by such collegiate establishments that men can be induced to devote themselves to learning as their sole pursuit, instead of as a mere auxiliary to other pursuits. To take away the means of making a sufficient (sic) provision for such men, you destroy all hope of there being any reward for learning, and those memorable words become applicable with which Dr. Hackett closed his celebrated speech, when he stood at the bar of the Long Parliament, in 1641: - "Upon the ruins of the rewards of learning no structure can be raised up, but ignorance; and upon the chaos of ignorance, no structure can be built but profaneness and confusion." Such was the prophetic language of that eminent man; God in His mercy avert from us its realization. Any such object ceases to be possible when the endowment is thus taken away, and thus is one of the objects of the donor defeated. Again, the power of granting degrees in divinity, as well as in arts and other faculties - the provision that no religious test or qualification should be required of or appointed for any persons admitted or matriculated as Scholars within the said College, or of persons admitted to any degree in any art or faculty therein, "Save only that any persons admitted within our said College to any degree in divinity, shall make such and the same declarations and subscriptions, and take such and the same oaths as are required of persons admitted to any degree of divinity in our University of Oxford" - show clearly that among the objects for which the Institution was erected, and consequently among other uses for which the endowment was granted, was the establishment of a Professor of Church of England divinity, for the destruction (sic) of such as should desire to graduate in that faculty. And though the amended charter did away with those provisions which gave to its government an exclusive religious cast and character, and did away with all tests for degrees, it neither abrogated the power of granting degrees in divinity, or proscribed any other course of study in that faculty than that which the original charter obviously intended, or altered the powers of the College Council to make statutes for the performance of divine service, and the studies, lectures and exercises necessary to take a divinity degree. Though no test of any kind but the test of qualification was to be required for any degrees, yet I repeat it, it cannot be doubted that the divinity was intended to be that of the Church of England. This object will of course be defeated by the proposed bill, as regards the University, but it does not stop there: it also deprives King's College of the means of giving effect to it under the powers which this bill still leaves to that Institution. Again, the endowment was clearly intended for the erection of buildings suitable to the design of the original charter - a design which the amended charter in no way interfered with. Collegiate buildings, fit for the residence of students, and within which a domestic discipline could be enforced, were within the design, and were therefore among the purposes of the endowment. The appropriation of the endowment proposed by the bill renders it impossible that this portion of the object of the charter and grant can ever be fulfilled. No one can read the charter and not see that the intention was to erect suitable buildings, and to provide the means for that

purpose. But this bill only permits the erection of Colleges somewhere on land belonging to the University - whether at Toronto or elsewhere, it is not said - provided they can get the money. To say that the mode of employing this endowment of King's College, which the bill suggests, is a better mode than that proposed in the original charter and grant is, I apprehend, no argument to be urged in favor of either taking away the powers and privileges or the property given. It proves too much, and therefore proves nothing. For if that be a true reason for revoking a grant from the Crown for one purpose, it ought to be equally good to revoke any grant of which the Legislature shall adopt a similar view. And upon what ground shall it be said that what one Parliament has changed, shall not in turn be changed by another? Such a course would not be legislation, it would be tyranny of the most injurious description. I have already endeavoured to show that any attempted distinction between endowments from the Crown and from private individuals, as to the power to recall them, is not to be sustained upon any principle or process of sound reasoning. The right to see the endowment administered according to the true spirit and meaning of the founder and donor, is one thing - it exists, and may be enforced; the right to recall the gift and appropriate it to a new body, for altered, or modified, or entirely different purposes, is another. If it exists with regard to the Charter of King's College, it exists with regard to that of Queen's College, of Victoria College, or of Regiopolis College. These Corporations either have assented or they have not. If they have assented, and their assent is appealed to as fortifying this proceeding, then is the injustice greater to King's College; that they have assented proves their own conviction that they could not be deprived of their Charters, or of any part of them, without such assent. If they have not assented, then is the bill only the more an invasion of vested rights. Again, the bill is unequal in its operation as to the institution it affects. Queen's College has nothing taken from it to assist the funds of the new University; Victoria College retains its building for the accommodation of its Principal, Professors and Students; Regiopolis College is allowed to remain intact, as to property, though subjected to the authority of the University - why, it is difficult to understand. But land and college, books and furniture, money and securities, every species of property is taken from King's College and given to the new University for its endowment. There can be no other ground for this distinction but that which is assumed from the fact, that the one has derived its property from the Sovereign, and the other from subjects - a principle I have already endeavoured to controvert, and which does seem so fraught with error and mischief, that I should never have imagined it actuated the framers of this bill, if I could discover any other to which to attribute their proceeding. But even their proposed measure goes beyond that. The 36th clause takes away from King's College all its property and effects real and personal. Either it has been deemed unnecessary to enquire into the sources whence any part of these real or personal effects have been derived, or if the enquiry has been made, no distinction in favour of King's College is allowed to prevail. What, are we to be told that lands which the Crown

has set apart for a specified purpose can be taken away, and not that which has been given by individuals? Is there any legal distinction? I admit that corporations may be dissolved, and their property revert to the founder or to the Crown, but here you do not allow it to revert back, but give it to another institution of your own creation. £500 worth of books, neither the property or gift of the Crown, but the gift of a Corporation, are to be found in the library. Why, if you make the distinction, is not King's College to have that which is its own property, independent of the Crown? I am not in behalf of King's College, urging that the other Institutions should be deprived of one jot of what they have or may acquire; far from it; all I urge is, that the same respect may be paid to the rights of one that is observed towards the others. I will now proceed to point out some other objections which King's College opposes to this bill; why it cannot become a party to it; why it cannot consent to it, if passed. And first, they could never assent to the propositions regarding degrees in Divinity. In alluding to a supposed analogy between the Chancellor of England and the Vice Chancellor of Upper Canada, the latter has been sometimes facetiously termed the Keeper of Her Majesty's Upper Canadian conscience. If the analogy may be extended to the Chancellor of the University, of what an extraordinary conscience will he not be the keeper. Let us suppose him presiding in Convocation, not putting, as in other cases, the placet or non-placet to the members, but ministerially conferring the degree of Doctor in divinity on the applicants producing the certificate of the College from whence they come. And first, a Roman Catholic, from Regiopolis, presents himself, and the Chancellor dismisses him with the title of Doctor, i. e. teacher of Theology giving him the diploma of the University, of his fitness to fulfil that high and holy duty. Scarce has he gone when King's College, as remodelled by the bill, presents her man, who has just signed the Thirty-nine Articles, and taken the oath of abjuration and supremacy: who has declared he believes the Mass an idolatry and transubstantiation an heresy. The pliant conscience of the University makes him, too, a Doctor, and gives him his diploma, which is her certificate of his qualification to teach men the road to heaven. Room for the next, and Queen's College sends her pupil, who believes not in different orders of Ministers, who laughs at the apostolical succession of the Church of England, disapproves of liturgies and settled forms of prayer, though he concurs with the latter church in its dissent from the Church of Rome. Alma mater smiles on him and sends him forth to the world her beloved son, well qualified to teach the world divinity. Next comes the Methodist from Victoria College, differing from all who have preceded him, with a different church government, and a difference in some articles of faith. No difference does this make to our conscientious University. Her arms expand with equal readiness to enfold him and her diploma of sound divinity is given to him also. One might have imagined, it would have stopped here: but no; like Messilina (sic), "nondam satiata," she courts others to her embraces, careless of all other qualifications but the annual revenue of 1000 bushels of wheat. This munificent endowment provided, she is open to new-comers. Hitherto it may be said

that every church represented in the four Colleges agreed on some cardinal points of belief: but here we perceive the invitation held out to those whose intrinsic merits supercede the mediatorial sacrifice of Atonement, who would reduce the Savior of Man to their own level by denying his divinity, and who reject, because they cannot comprehend the mystery of the Trinity in Unity - the Socinian may likewise present himself, and in like manner receive the certificate of being a teacher of sound divinity. Such is the expansive conscience of our University; and thus the solemn farce and mockery proceeds. I am unable to comprehend how any man of conscience could sign a diploma conferring such a degree on one whose religious opinions he believed to be heretical, or receive a diploma at the hands of a man whose orthodoxy he was bound by his sincere belief to controvert. Another objection to the bill, and a ground upon which King's College cannot accept it, is, that the legislation of the University is paramount over all the Colleges. It is to the Chancellor and Convocation of the University that the power is given, among other things, to legislate concerning "the studies, lectures, examination," "and all matters regarding the same," not merely of the University, but "of the different Colleges." Such is the enactment of the 15th clause, and a comparison of the 29th and 31st clauses will show that virtually, though not nominally, the University retains legislative power over divinity studies, inconsistent with the professed freedom of the several colleges in this particular. King's College may resume her charter, but if she possesses (sic) to pass any law, it is subjected to the revision of the University, without a professor of divinity, unless one from some of the colleges. This is a departure from practice, to which she cannot consent. In Oxford, the colleges have long had the entire domestic management. The London University is confined to the granting degrees in Arts and the Faculties of Medicine and Law. They have no power of conferring degrees in Divinity, and therefore do not profess to teach it. The ground of the entire exclusion of all religious tuition may be inferred from the following anecdote. The late Mr. Wilberforce thought that education, without religion, was a most dangerous weapon to place in any man's hand, and when the establishment of that University was under discussion, he suggested the propriety of making the students read Paley's Evidences of Christianity. "My dear Sir, you forget our Jews," was the answer. - "Well, then," said Mr. W., "What say you to Paley's Natural Theology?" "You do not consider our infidels," was the reply. Bad as the rejection of all study of divine knowledge certainly be, the indiscriminate adoption and certifying all systems of theology is worse - the one simply, abstains from teaching the truth, the other ranks on one common standing, the advocates of truth and the disseminators of error. To a system like this, which requires and can possess no standard or criterion upon which the fitness for degrees in divinity, cannot (sic) be determined, King's College cannot assent. The representation in the Caput, provided for each college by the 9th clause, assumes the existence of several Professors. Now, as the University Professors will be the teachers and lecturers in all arts and faculties, but divinity, it is absurd to assume that there will be any other than professors of divinity in each college, the more particularly as the fees payable to professors whose income will be

much less than those charged by professors in colleges who have nothing else to depend upon. What will be the occasion in any college, at first, for more than one Theological Professor, who would probably be the President or Principal of the College also? If he were a member of the Caput as Professor, would he also be eligible to be elected Vice Chancellor? - Whether he would or would not, the representation of King's College, deprived of its endowment, would probably be confined for some time to one professor, in a body authorized to legislate concerning her affairs, her professorships, masterships, and teacherships, the studies, lectures, examinations, and all matters relating thereto within her walls, and the number, residence, and duties of her Officers, Professors, Masters, Teachers, Scholars and Servants. To this representation in a body clothed with such powers, and consisting, as regards all the University Professors, of persons taking no religious test whatever, King's College could not assent, for after losing her University privileges, she is thus deprived of that power which, in English Universities, every College has. The erection of a Board of Control is another objectionable feature. It is, as to secular purposes, unprecedented, and it may be confidently asserted, will destroy the working of the University. It is virtually exempted from responsibility, while it is entrusted with powers, on the due exercise of which, if not the very existence, certainly its reputation and character for literature and discipline must depend. Its functions are partly of a legislative character, and out of the thirty-two members there may be three who have the slightest knowledge or experience of University matters. They are to select Examiners, recommend candidates for the Professorships, for the University. For the discharge of such functions, one would imagine there would be in such a body something like harmony. But the evident effect of the measure will be to bring together at this Board so many elements of discord, that any thing like harmony in their deliberations can hardly be anticipated. Whom do you bring? - First, the Lord Bishop of Toronto, as representing King's College, a Professor from each College, next the Roman Catholic Bishop, the Judges, the Mayor for the City of Toronto, the members for the City and four Ridings of York, and twenty others, to be appointed by the Governor. Now, I think, if you look at the parties thus brought together, it will be admitted that scarce a measure could be submitted to them upon which they would not disagree. - Even among the Clergy you will find different shades of opinion; but if that was got over, there are the members for the City and Ridings, and if they could agree at that Board, if I may believe the public newspapers, there is a place in which they do not agree so well as would be desirable; added to these, however, you have twenty others. Even if this difficulty was removed, and something approaching to harmony existed among the members, still large bodies of that description are exceptionable. I never knew a large body of men brought together for such purposes, in which the responsibility is divided, the less it is felt. In every constitution which I have examined and I have examined all those of the Mother Country - I have been unable to find out any instance of the creation of such a body.

There is one case, however, remotely resembling this, and I desire to notice it to allow the advocates of the measure all the benefit of the comparison - I allude to the Board of Control for Indian affairs, and I could earnestly recommend gentlemen to examine for themselves how difficult has been its working, even supported by the Executive Government of Great Britain. It has been the scene of constant contention, the Governor of India having been pulled one way by one party and the opposite by another - the natural consequence of such a mode of management. - Remembering the nature of the functions of the Board to be created by this bill; what will be the probable result of this novel experiment? The best probability is, that a quorum will never be got together, and then the only mischief it will do, will be to create a temporary hindrance to the working of the Institution, which the legislature will then remove, instead of inflicting a permanent injury on the University. To the erection of such a Board, however, King's College in my humble judgment could not consent. A consideration connected with this, is, that by the bill, King's College becomes a strictly Church of England theological seminary, and nothing more. The Lord Bishop of Toronto, is on this account made, or rather professed to be made a member of the Board of Control. Yet, by the bill he cannot take his seat there; for there is no such functionary as the "Bishop of the Protestant Episcopal See of Toronto, in connection with the United Church of England and Ireland." The Lord Bishop of Toronto is a Bishop of the Church of England, appointed by the Queen, the head of that Church, duly consecrated to the Episcopal office in it, taking the oaths to be taken by every prelate of that Church. His consecration is not under the authority of the 59th Geo. III, which enables the Archbishop of Canterbury, and some other prelates, to consecrate to the Episcopal office parties therein described, for Bishopricks in foreign countries. He dare not, cannot assume the character these words would give him, or recognize the principle they seem to assert, and therefore he never could take his place at the Board of Control, and so represent King's College at it. This is more than a vertual (sic) criticism: there is a vital principle involved, the unity of the Church in all the dependencies of the Crown, - and the authority of the Queen as its temporal head. It is more than a question affecting King's College. We who have come from England, and made this country our home, kneel at the altar of the same Church as when we were at home; we have brought our children to its font, that they too may become members of that same body; it is within its walls, and joining in its worship, that when first arriving here as strangers, we have felt that we were at home, and keep fresh from year to year to the last hour of existence the holiest and happiest recollections of our native land. It is the only tie that unites the emigrant to his native land, which death alone can dissolve. It was the church of our forefathers, it is ours by birthright; our children have been offered to God within it. You cannot deprive us of it, and whatever differences of opinion may exist, we implore you of every denomination, do not trample upon our rights. As the 73d clause is obnoxious to the same exception, as well as to the further

difficulty that years may elapse, I believe will elapse, if this bill become law, before clergymen of the church of England and graduates of the College (University I suppose is meant, for King's College could have no graduates) could be found to fill up the seven professorships referred to. The regulations proposed in regard to Upper Canada College only come within my province to observe upon, because that institution is now an appendage of King's College. The same objection of the unfitness of the Board to recommend professors applies to their approval of the Vice-Principal, Tutors and Master of the school. The 50th clause would, I apprehend, render the efficient management of it difficult: for experience has shown that the head alone of such an establishment ought to be entrusted with the power of government. Divided power in such a case diminishes if not destroys the respect and obedience which the head should command. It would create the same sort of practical difficulty if the captains and subalterns of a regiment formed a council to make regulations by which the colonel was to command it. And the power of fixing their own salaries given by the 55th clause would, I apprehend, create endless jealousy and discontent. I will merely add, with reference to this branch of the subject, that the funds provided would be inadequate to its maintenance and efficient support. There are a few observations as to details which I will merely state without enlarging on them. As to the 9th clause, no provision is made for convening the Caput, nor any declaration of the number accessory (sic) to form a quorum. As to the 20th, no provision for summoning Convocation, or regulation for the number necessary to be present to act. As to the 24th, the effect of this Act will be to make the University, in the words of Lord Mansfield, "a lay corporation with temporal rights," not an eleemosynary foundation, as particular colleges are. This puts an end to the right of the crown to visit. The University will not exist under the Queen's charter. The only visitatorial power that would exist would arise from the Common Law right of the crown, which must be exercised according to the Common Law in either the Court of King's Bench or the Court of Chancery. The joint appointment proposed by this clause would, if in operation at all, lead to great difficulty and embarrassment. The 29th threatens the destruction of the union of the Collegiate and University systems. The 44th: in every College I have read of, the lecturers have an interest in the fees arising from their classes: it gives them a useful incentive to attract and retain students. The 49 ((?)) th: it will take much longer to pass a University than a Provincial statute. The 65th clause leaves it doubtful whether the assignment of land for an appropriate site of a College is to be confined to the seat of the University, viz. Toronto. The 83d clause refers to an Act as being in force which has been disallowed by proclamation. The 101st clause does not go far enough: there is no reason why it should be limited to recent arrivals. There are Masters of Upper Canada College who gave up appointments to come out: and the highest preferment in that body was recently surrendered by Dr. McCaul in order to take a situation in the University, he having already given up preferment in Dublin to take a situation in Upper Canada College. Equal justice requires the extension of the principle to all so circumstanced.

And now, Sir, I have to thank the House for the patience with which they have listened to me through so long, and I fear so tedious an argument. It would have been easy to have said more - less would not have given an intelligible outline of the objections to this measure.

In conclusion, let me entreat the House to lose sight of the humble individual who addresses them, and to think for a few brief instants that it is the institution erected by George the 4th, that utters this concluding summary in defence of its rights and privileges. You are asked to pass a measure, which, by the abolition of all tests as regards instructors, makes it a matter of indifference, whether the education, the formation of the minds of youth, be entrusted to a ... religious man or an atheist, which abolishes all distinction between those who believe the fundamental doctrines of Christianity and those who disbelieve them. In the name of that God whom you thus slight I protest against this unhallowed proceeding. You are asked to do that for which British legislation affords no precedent; to assume on the one hand to exercise the Royal prerogative; on the other to restrain the Sovereign from its future exercise. In the name of your Queen, to whom you owe and have sworn allegiance, I protest against this unconstitutional act. You are asked to pass a law which, professedly for the advancement of Education, and the cultivation of literature and science, destroys every means of carrying on such an institution as will give to patient industry its cheering prospect, to high attainment its due and adequate reward; which is so replete with contradictory interests and discordant elements as to create a well-grounded apprehension that out of it will arise difficulties so insurmountable that the establishment will become an utter wreck, and the Province be deprived of the benefit designed by its beneficent founder, viz: "the education of youth in the principles of the christian religion, and their instruction in the various branches of science and literature which are taught in our Universities in the United Kingdom." In the name of that country I implore you to leave to me the means and the power to fulfil the high behest for which I was brought into existence.

For the last time I call on you, in the name of your God, your Queen, and your country, to reject this Bill.⁴

(184)

and then he was directed to withdraw.

MR. BALDWIN rose and said, that having ascertained that the debate was not likely to terminate that evening, he would, with the consent of the House, move the postponement of it until Monday, to be the first order of the day, and business to commence at ten o'clock, A. M.⁵

(184)

Ordered, That the debate on the said Bill be adjourned until Monday next, and that it be then the first Order of the day.

Adjournment.

Ordered, That this House at its rising do stand adjourned until Monday next, at ten o'clock, A. M.

Churches and
Parishes
Lower Canada.

The Order of the day for the second reading of the Bill to repeal the Laws of Lower Canada for the construction and repairing of Churches and dependencies, and for the erection and division of Parishes, and to make new provisions in lieu thereof, being read.

The said Bill was accordingly read, and referred to a Select Committee composed of Mr. Chabot, the Honourable Mr. Solicitor General Aylwin, the Honourable Mr. Black, Mr. Quesnel, the Honourable Mr. Morin, the Honourable Mr. Viger, and Mr. Boutillier, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Tay Navigation.

The Order of the day for the second reading of the Bill to amend the Act incorporating the Tay Navigation Company, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Real Estate,
Canada West.

The Order of the day for the House in Committee on the Bill to afford relief in certain cases to Sellers of Real Estate in Canada West, being read,

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Cameron reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Mr. Speaker having put the question,

Shall the Committee have leave to sit again?

It passed in the Negative.

The Honourable Mr. Sherwood moved, seconded by Sir Allan N. MacNab, that the Bill to afford relief in certain cases to Sellers of Real Estate, in Canada West, be referred to a Select Committee composed of Mr. Prince, Mr. Boswell, Mr. Cartwright and Mr. Boulton, to report thereon with all convenient speed; with power to send for persons, papers, and records.

Mr. Johnston moved an amendment, seconded by Mr. Hamilton, that all the words after "referred" in the said motion, be struck out, and the following inserted "to a Special Committee of five Members, to report thereon, with all convenient speed; with power to send for persons, papers and records."

The question having been put upon the said motion of amendment, a division ensued, and it passed in the negative.

The question being then put on the main motion, it was agreed to by the House, and

Resolved, accordingly.

Report on
Petition of
Gillespie, Moffatt
& Co.

The Order of the Day for the House in Committee, on the Report of the Select Committee, to which was referred the Petition of Messieurs Gillespie, Moffatt, and Company, and other Merchants of Montreal, and other references being read,

The House accordingly resolved itself into the said Committee. Mr. Johnston took the Chair of the Committee,⁶

The object of the petition was to get certain duties refunded upon sugar imported from Liverpool into the Province; the petition setting forth, that duty had been paid upon the article as refined sugar, whereas it was not refined.⁷

The argument adduced by the Hon. Inspector General ((MR. HINCKS)) and MR. HARRISON against the resolution based upon the claim was, that the sugar having undergone some process in the warehouse of the British merchant, beyond the state in which it was manufactured in the country where it was grown, could not be considered as raw sugar, and therefore, according to the phrased copy of the Act, came under the head of the only other kind specified, refined sugar; and was liable to that duty. That it had been the opinion of many merchants that the Act would affect sugars of this description, and that accordingly, they had refrained from importing them.⁸

MR. BOULTON contended that the proper way would have been to have resisted the duty, and raised a legal question to have been decided by the Courts of Law, whether the Government could enforce it or not.⁹

MR. BERTHELOT remarked, that the petitioners asked to have refunded what they had never paid but what had fallen upon the consumers. They (the merchants) appeared to wish for double profits.¹⁰

The resolution was negatived.¹¹

(164)

*and after some time spent therein,
Mr. Speaker resumed the Chair.*

North American
Colonial Association of
Ireland.

The Order of the Day for the House in Committee on the Bill, to give further powers to the North American Colonial Association of Ireland being read. Resolved, That this House will, on Wednesday next, resolve itself into the said Committee.

U. C. Trust
and Loan
Company.

The Order of the Day for the House in Committee on the Bill for incorporating and granting certain powers to the Upper Canada Trust and Loan Company, being read.

The Honourable Mr. Viger moved, seconded by Mr. Boswell, That this House will on Wednesday next, resolve itself into the said Committee.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and

Resolved, accordingly.

Religious
Societies Lands
Bill.

The Order of the day for the House in Committee on the amendments made by the Legislative Council to the Bill, intituled, "An Act to enable Religious Societies of all Denominations of Christians,

(in that part of the Province called Upper Canada,) to hold the Lands requisite for certain purposes, therein mentioned," being read,

The said amendments were then read, and are as followeth:--

Amendments.

Press 1. Line 16.--After "that" leave out all the words to "be" in the thirty-seventh line, inclusively, and insert in lieu thereof, "from and after the passing of this Act, it shall and may be lawful for the Chancellor, Vice-Chancellor or other the person administering the duties of the Judge of the High Court of Chancery in this Province, upon the Petition of the Minister, Wardens, Deacons, or other the Parties holding office in any Congregation of professing Christians of any denomination, setting forth the peculiar tenets of Society, to which they respectively belong; together with the number of the Congregation composing the said Society, and the Township or place in which they intend respectively to congregate, and upon proof of the several facts contained in such Petition, to grant unto such Minister, Wardens, Deacons, or other, the parties holding office in any such Congregation, not being fewer than three in number, a License or permission under the Seal of the said Court, to hold to them and their

(165)

Successors in perpetual succession, for ever, in mortmain, by the name expressed in such License or permission, any quantity of land requisite for the site of a Church, Meeting House, Chapel, Burying Ground, residence for the Minister, Priest or Religious Teacher, or other person administering Religious duties of such Congregation and School Houses, and the appurtenances thereunto which may be necessary for the said several purposes, to be specified in such Petition, provided there shall not be held in trust for the purposes aforesaid, under any such License or permission, as aforesaid, more than ten acres of land for any one Congregation."

Ibid. Line 38.--Before the third Clause of the Bill, insert the following Clauses:

A.

"And be it enacted, that under and by virtue of such License or permission, it shall and may be lawful for such Trustees, to accept and take a conveyance to them and their successors in mortmain of the lands

to be mentioned and set forth in such Petition as aforesaid, and they and their successors in perpetual succession, by the name expressed in such License or permission, be capable of holding and possessing such land in mortmain for ever, and of commencing and maintaining any action or actions at Law or in Equity for the protection thereof, and of their right thereto. Provided always, and be it enacted, that it shall not be lawful for the Chancellor, Vice Chancellor, or other the person administering the duties of the Judge of the High Court of Chancery, in this Province, to grant any such License or permission for the benefit of any such Society as aforesaid, whose Members at the time of the application to the said Court, shall not amount at least, to fifty heads of families.

B.

"And be it enacted that the Ministers, Wardens, Deacons, or other parties holding office, in any such Congregation, to whom any such License or permission shall be granted as aforesaid, shall within twelve months after execution of any Deed, whereby such lands shall be conveyed to them under and by virtue of such License or permission, cause the same to be registered in the office of the Registrar of the County in which the land shall happen to be."

Press 2, Line 10.--After the fourth clause of the Bill, insert the following clause:

"And be it enacted that this Act shall be in force and effect and extend only to that part of the Province of Canada, formerly known as Upper Canada."

Preamble, Line 1.--After "whereas" leave out all the words to "case" in the 8th Line, inclusively; and insert, "by an Act of the Parliament of that part of the Province of Canada, heretofore called Upper Canada, passed in the ninth year of Reign of His late Majesty, King George the Fourth, intituled, "An Act for the relief of the Religious Societies therein mentioned," after reciting, that Religious Societies of various Denominations of Christians have found difficulty in securing the titles of lands requisite for the site of a Church, Meeting House, or Chapel, or Burying Ground, for want of a corporate capacity, to take and hold the same, in perpetual succession, and that it was expedient to provide some safe and adequate relief in such cases, it was enacted, that whenever any Religious Congregation or Society of Presbyterians, Lutherans, Calvinists, Methodists, Congregationalists, Independents, Anabaptists, Quakers, Menonists, Tunkers or Moravians, should have occasion to take a conveyance of land for any of the uses aforesaid, it should and might be lawful for them to appoint Trustees, to whom and their Successors, to be appointed in such manner as should be specified in the deed, the land requisite for all or any of the purposes aforesaid might be conveyed, and such Trustees and their Successors in perpetual succession, by the name expressed in such deed, should be capable of taking, holding, and possessing, such land, and of commencing

and maintaining any Action or Actions in Law or Equity, for the protection thereof and of their right thereto; and it was further enacted, that there should not be held in trust for the purposes aforesaid, more than five acres of land for any one Congregation; and whereas it is expedient to extend the relief afforded by the said recited Act as well to the Societies therein named, as to all other Societies of professing Christians of every donomination."

Title, Line 1.--After "to" leave out the remainder of the Title, and insert "provide for the relief of certain Religious Societies."

After which the House resolved itself into the said Committee.
Mr. Morris took the Chair of the Committee¹²

CAPT. WILLIAMS, who had brought forward the measure, expressed his dissatisfaction at the course adopted by the Upper House with reference to the amendments, one of which provided, that before a license could be obtained to hold lands under the Bill, a petition must first be presented to the Vice Chancellor, who would grant it only where a congregation consisted of fifty heads of families. By another amendment, the amount of land was restricted to ten acres.

The Hon. Member, with reference to the foregoing, said that, with the consent of the House, he would move for a committee to draw up reasons for not assenting to the amendments, and for a conference with the Legislative Council on the subject.¹³

(165)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Morris reported, that the Committee had gone through the amendments, and had unanimously disagreed to the same, and the Report was again read at the Clerk's table, and agreed to by the House.

Resolved, That a Select Committee of five Members be appointed, to draw up reasons to be offered to the Legislative Council at a conference, for disagreeing to the amendments made by their Honours to the Bill, intituled "An Act to enable Religious Societies of all Denominations of Christians (in that part of the Province called Upper Canada,) to hold the lands requisite for certain purposes therein mentioned," and that the said Committee be composed of Mr. Williams, the Honourable Mr. Hincks, the Honourable Mr. Solicitor General Small, Mr. Boswell, and the Honourable Mr. Neilson.

(166)

Then on motion of Mr. Boswell, seconded by the Honourable Mr. Viger, The House adjourned until Monday next, at ten o'clock, A. M.

FOOTNOTES - 24 NOVEMBER 1843.

1. The following was reported in: LA MINERVE, 30 November 1843; KINGSTON CHRONICLE, 29 November 1843; MONTREAL GAZETTE, 30 November 1843, in an account identical to that of the BRITISH COLONIST, 1 December 1843; and L'AURORÉ, 28, 30 November, 2 December 1843. The MONTREAL GAZETTE, 30 November 1843, noted: "Mr. Higginson, His Excellency's Private Secretary, had a seat within the bar near the Counsel, together with other gentlemen belonging to His Excellency's suite. In the body of the House also, were Sir Richard Armstrong and ((a)) number of ladies, and behind the bar, as many had crowded in as could - the whole evidencing the deep interest taken in the proceedings."
2. KINGSTON CHRONICLE, 29 November 1843.
3. There is a blank instead of a word preceding the question mark.
4. KINGSTON CHRONICLE, 29 November 1843.
5. MONTREAL GAZETTE, 30 November 1843.
6. The debate on this matter was reported in identical accounts in: MONTREAL GAZETTE, 30 November 1843, and the BRITISH COLONIST, 1 December 1843.
7. MONTREAL GAZETTE, 30 November 1843.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. The debate on this matter was reported in: MONTREAL GAZETTE, 30 November 1843, and BRITISH COLONIST, 1 December 1843, in identical accounts.
13. MONTREAL GAZETTE, 30 November 1843.

MONDAY, 27 NOVEMBER 1843.

10 O'clock, A. M.¹

"Avant qu'on eût entamé les affaires du jour, M. LAFONTAINE se leva et annonça en anglais et en français, que lui et ses collègues, à une seule exception près (l'honorable représentant de Mégantic), avaient cru devoir offrir leur démission à Son Excellence le gouverneur-général; qu'elle avait été acceptée par Son Excellence,² qu'ils ne gardaient leurs places qu'en attendant la nomination de leurs successeurs;³ et que dans une occasion prochaine ils expliqueraient à la chambre les raisons qui les avaient engagés à faire cette demande, ne doutant point que la chambre ne les appuyât dans la ligne de conduite qu'ils avaient cru devoir suivre (écoutez! écoutez!)⁴

MR. BALDWIN made a similar declaration.⁵

Immédiatement après cette annonce, les bancs de la trésorerie furent évacués par tous les ministres excepté M. Daly.⁶

MR. DALY and MR. WAKEFIELD attempted to speak, but the House would not hear them.⁷ La chambre les accueillit avec des cris bruyants et répétés: à l'ordre! et force leur fut de se rasseoir.⁸

(166)

Member for
Montreal.

MR. SPEAKER informed the House, that the Clerk of this House had received from the Clerk of the Crown in Chancery, a Certificate of the election of a Member for the City of Montreal, in the room of the Honourable George Moffatt, who had resigned his seat.

And the said Certificate was read, and is as followeth:--

Province of Canada,
TO WIT. }

Office of the Clerk of the Crown in Chancery, }
Kingston, 25th November, 1843.

This is to certify, that in virtue of a writ of Election, dated the Second day of November, instant, issued by His Excellency the Governor in Chief, and directed to the Returning Officer for the City of Montreal (Jacques Viger, Esq.) for the election of one Member to represent the City of Montreal in the present Parliament, in the room of the Honourable George Moffatt, who had resigned his seat, Pierre Beaubien, Esquire,

P. Beaubien,
Esquire.

has been returned as duly elected accordingly, as appears by the return of the said writ, dated the twenty-second day of November, instant, which is lodged of record in my office.

Felix Fortier,
Clerk of the Crown in Chancery.

To W. B. Lindsay, Esquire,
Clerk of the Legislative Assembly.

6 Petitions
brought up.

The following Petitions were severally brought
up and laid on the table:--

By Mr. Leslie--The Petition of the Reverend H. Esson, and others, the Committee of the Management of the Temporalities of St. Gabriel-street Church, Montreal.

By Mr. Thorburn--The Petition of John Scolfield, and others, Inhabitants of the District of Niagara; and the Petition of the Municipal Council of the Niagara District, (relating to the District Town.)

By Mr. Gilchrist--The Petition of the Rev. John M. Rogers, and others, Inhabitants of the District of Colborne.

By Mr. Thompson--The Petition of John DeCow, and others, Inhabitants of the County of Haldimand.

By the Honourable Mr. Neilson--The Petition of Thomas Proulx, and others, Inhabitants of the Parish of St. Omer, County of the Lake of Two Mountains.

Tay Navigation.

An engrossed Bill, to amend the Act Incorporating the Tay Navigation Company, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cameron carry the said Bill to the Legislative Council, and desire their concurrence.

Private Stock,
Well Canal.

An engrossed Bill to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase

the stock held by Private parties in the Welland Canal, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Boulton do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of the Municipal Council of the Home District; praying for the passing of a Law to compel the Corporation of the City of Toronto to pay a proportion of the expenses of the District Gaol, erected within the said City.

Of the Municipal Council of the Home District; praying that certain amendments be made to the Bills now before the Legislature, relating to Assessment, and to the management of the local affairs of Townships, Counties, &c.

Of the Right Reverend the Lord Bishop of Toronto; praying that the monies appropriated for School purposes be placed at the disposal of the several denominations of Christians, in proportion to their numbers.

Of H. Graham and others, Merchants, Traders, and Inhabitants of the Town of Perth, in the District of Bathurst; praying that a Tax be imposed upon certain Merchants who carry on the Trade of Auctioneers, in the sale of their own Merchandise.

Of H. Glass and other Presbyterians, Members of St. Andrew's Church, Perth; praying that the passing of the Bill to provide for the management of the Temporalities of the Presbyterian Church in Canada, may be postponed until the next Session of Parliament.

Of the Reverend John Gemmill, of the town of Lanark, in the District of Bathurst; stating that previous to the present mode of disposing of Public Lands, he received an order for 300 acres, which he lost in consequence of not having located the same, and praying to be allowed the usual quantity of Script in consideration of the said claim.

Of James Wylie and others, Inhabitants of the Township of Ramsay, in the Bathurst District; praying that the benefits of King's College, at Toronto, and McGill College, at Montreal, may be equally extended to all Religious Denominations.

Of Thomas Scott and others, Members and adherents of the Presbyterian Church at Cobourg; praying that the Bill to provide for the management of the Temporalities of the Presbyterian Church in Canada, be not passed.

Of William Hill and others, Freeholders of the Township of Barton, in the District of Gore; praying that the limits of the Town of Hamilton be not extended.

Of Matthew Snyder and others, Inhabitants of Elizabethtown; complaining of the unjust exaction of Tolls on the Macadamized Road from Brockville to Beverly, and praying relief.

Of John Fitzwilliam Berford, of the City of Toronto; praying for a modification of the Laws relating to the occupation of the soil in the Province of Canada.

Of John Rogers and others, Inhabitants of the Gore of Chatham; praying that the said Gore be attached to the County of Two Mountains.

(167)

Petition referred,
R. Young and
others.

Resolved, That the Petition of R. Young and others,
Inhabitants of Goderich, in the District of
Huron, presented to the House on the fourteenth

instant, be referred to a Select Committee, composed of Mr. Cameron, Mr. Thorburn, Mr. Boswell, Captain Steele, and Mr. Merritt, to examine the contents thereof, and to report thereon with all convenient speed, with power to send for persons, papers, and records.

Church Society
Quebec.

Mr. Hale, from the Special Committee to which was referred the Bill to incorporate the Church Society of the Diocese of Quebec, and another Reference, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Resolved, That the said Bill be committed to a Committee of the whole House, on Wednesday next.

Isle Bizarre.

Mr. Jobin, from the Select Committee to which was referred the Bill to detach Isle Bizarre from the County of the Two Mountains, and to annex it to the County of Montreal, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Resolved, That the said Bill be committed to a Committee of the whole House, on Wednesday next.

Township of
Gore.

Mr. Forbes, from the Select Committee to which was referred the Bill to detach the Township of Gore from the County of Terrebonne, and to annex it to the County of Two Mountains, reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Registration,
Lower Canada.

The Honourable Mr. Jones, from the Select Committee to which was referred the Bill to amend the Ordinance providing for the Registration of Titles to Real property or incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinances for the Registration of certain Claims, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Resolved, That the said Bill be committed to a Committee of the whole House, tomorrow.

University of
King's College.

The Order of the day being read, for resuming the adjourned Debate on the Bill to provide for the separate exercise of the Collegiate and University Functions of the College, established at the City of Toronto, in Upper Canada; for incorporating certain other Colleges and Collegiate Institutions of that division of the Province with the University; and

for the more efficient establishment and satisfactory government of the same.

Ordered, That the Debate on the said Bill be adjourned until Thursday next.

Land Surveyors,
U. Canada.

The Order of the day for the House in Committee on the Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Captain Steele took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Captain Steele reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the Committee have leave to sit again on Thursday next.

Administration,
Justice, Gaspé.

The Order of the day for the House in Committee on the Bill to establish the District of Gaspé, and to provide for the due Administration of Justice therein, being read,

The House accordingly resolved itself into the said Committee.

Mr. Armstrong took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Armstrong reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Then on motion of Mr. Simpson, seconded by the Honourable Mr. Viger,

The House adjourned.

FOOTNOTES - 27 NOVEMBER 1843.

1. The debate on this matter was reported in: MORNING COURIER, 30 November 1843, cited by LE CANADIEN, 4 December 1843, and by MONTREAL TRANSCRIPT, 2 December 1843; KINGSTON HERALD, 28 November 1843, cited by BRITISH COLONIST, 1 December 1843; L'AUREOLE, 30 November 1843; LA MINERVE, 30 November, 2 December 1843; LE JOURNAL DE QUEBEC, 2 December 1843, which carried an edited version of LA MINERVE, 30 November 1843; LA GAZETTE DE QUEBEC, and MONTREAL HERALD, both cited by LE CANADIEN, 4 December 1843; LE JOURNAL DE QUEBEC, 5 December 1843; and BATHURST COURIER, 5 December 1843. All the above contain long and interesting commentaries. The several sources mentioned above all confirm that the Ministerial resignation was announced at 10 o'clock, when the House began its morning sitting, and so though not mentioned in the JOURNALS, the statements made are incorporated into the text rather than placed in an Appendix.
2. LE CANADIEN, 4 December 1843, citing MONTREAL HERALD.
3. LE CANADIEN, 4 December 1843, citing LA GAZETTE DE QUEBEC.
4. LE CANADIEN, 4 December 1843, citing MONTREAL HERALD.
5. BRITISH COLONIST, 1 December 1843, citing KINGSTON HERALD, 28 November 1843.
6. LE CANADIEN, 4 December 1843, citing MONTREAL HERALD.
7. BRITISH COLONIST, 1 December 1843, citing KINGSTON HERALD, 28 November 1843.
8. LE CANADIEN, 4 December 1843, citing MONTREAL HERALD.

TUESDAY, 28 NOVEMBER 1843.

(167)

2 Petitions
brought up.

THE following Petitions were severally brought up, and laid on the Table:--

By the Honourable Mr. Dunn--The Petition of the Board of Trade of the City of Toronto. (relating to Insolvent Debtors.)

By Mr. Wakefield--The Petition of Robert Fleming Gourlay.

Township of
Gore.

An Engrossed Bill to detach the Township of Gore from the County of Terrebonne, and to annex it to the County of Two Mountains, was read for the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to detach the Township of Chatham Gore, otherwise called the Gore of Chatham, from the County of Terrebonne, and to annex it to the County of Two Mountains."

Ordered, That Mr. Forbes do carry the said Bill to the Legislative Council, and desire their concurrence.

Message from
Leg. Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills without any amendment,

Canada Inland
Forward'g. Ins.
Comp'y.

"An Act to authorise the Chairman of the Committee of the Canada Inland Forwarding and Insurance Company, to sue for and recover debts due to the Company."

Hawkesbury
division.

"An Act to divide the Township of Hawkesbury, in the Ottawa District, into two Townships."

Obstructions
in Rivers, &c.

"An Act to prevent obstructions in Rivers and Rivulets in Upper Canada."

Ottawa Lands
sale.

"An Act to explain an Act passed in that part of this Province called Upper Canada, in the third year of the Reign of Her Majesty, intituled;

"An Act to confirm and regulate certain Sales of Lands, for taxes in the Ottawa District."

Education
Society, Quebec.

"An Act to incorporate the Education Society of the District of Quebec."

Johnston
Gaol and Court
House.

"An Act to declare a Debt contracted by the Committee of Magistrates of the Johnstown District, to enable them to complete the new Gaol and Court House of the said District, to be a Debt payable by the District Council."

(168)

Also,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly:

Administration
Jus. Lower
Canada.

"An Act to amend the Law relative to the Administration of Justice in Lower Canada."

Small causes,
Lower Canada.

"An Act to provide for the Summary trial of Small causes in Lower Canada."

Also,

Legislative Council,
Friday, 24th November, 1843.

Cyprian Morgan.

Ordered, That one of the Masters in Chancery, do go down to the Legislative Assembly, to request that they will communicate to this House the Documents, Evidence, and Proofs, upon which is founded the Bill, intituled "An Act to naturalize Cyprian Morgan and others.

Attest,

Charles DeLéry,
Deputy Clerk Legislative Council.

And also,

Legislative Council,
Friday, 24th November, 1843.

J. A. P. Barbier
and wife.

Ordered, That one of the Masters in Chancery, do go down to the Legislative Assembly, to request that they will communicate to this House the Documents, Evidence, and Proofs, upon which is founded the Bill, intituled "An Act to naturalize Jacques Adrien Pierre Barbier, and Euphraise Barbier, his wife."

Attest.

Charles DeLéry,
Deputy Clerk, Legislative Council.

And then he withdrew--

The Master in Chancery was then called in, and informed by Mr. Speaker, that this House will send an answer by Message.

On motion of Mr. Christie, seconded by Mr. De Witt.

Court of
Appeals, Lower
Canada.

Ordered, That the amendments made by the Legislative Council to the Bill, intituled "An Act for the establishment of a better Court of

Appeals in Lower Canada," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read are as followeth:--

Press. 4. Line 6.--After "had" insert "Provided always that the Person so appointed, shall be of at least eight years standing at the Bar of Lower Canada.

Press 5. Line 28.--Leave out "on pain of nullity."

" Line 32.--Leave out from "and" to "established" in the 41st line inclusively.¹

M. BLACK s'objecte fortement à ce que la Chambre concoure (sic) immédiatement dans ces amendements, le bill tel qu'amendé ne venant d'être soumis qu'à cet instant à la Chambre. Les membres n'avaient pas encore eu le temps de voir quels étaient les amendements qu'on y avait faits. Ce bill se trouvait aussi lié à d'autres d'une semblable nature, qui deviendraient inutile (sic), s'ils n'entraient en opération en même tems.²

MR. BALDWIN said, whoever might be called upon to occupy the Treasury Benches, he hoped that many important measures that had been introduced affecting Upper and Lower Canada would not be allowed to fall to the ground.³

MR. H. SHERWOOD said that he hoped the motion would be postponed until the new Ministry was formed, which would not under any circumstances be defeating the Bill. When the Ministry resigned in Great Britain, it was customary to move an adjournment.⁴

MR. BALDWIN - But all in this case had not resigned. Mr. Daly still held office.⁵

MR. PRICE did not see out of what materials a new Administration was to be formed. It could only go into operation in accordance with the wishes of the House and the principle of "Responsible Government." Although there was no government at present, he (Mr. Price) hoped those great measures which had been alluded to would not be allowed to die a natural death.⁶

COL. PRINCE considered the resignation of the ministry the greatest calamity, under present circumstances, that could have befallen the country. They would no doubt, be able to furnish a satisfactory explanation with regard to the course they had pursued. If a new administration was to be formed, he (Col. Prince) would be very well satisfied if the liberality of its policy bore any proportion to that of the recent cabinet. The measures that had been introduced ought to be prosecuted to their completion for the good of the country at large.

And should those who had resigned office not resume their position, he trusted that they would co-operate in carrying them into effect, and thereby alleviate the embarrassment likely to arise from the Government passing into other hands.⁷

MR. VIGER said, whether there was a government or not, it was the duty of Parliament to give advice to her Majesty in regard to measures for the general good. For this faithful discharge of their duty, they were answerable to Her Majesty and the country at large. He (Mr. Viger) could not, therefore, suppose that the late Cabinet would, regardless of principle, oppose the views of the House factiously. They (the House of Assembly) had no extended powers like the Commons of England, but rather resembled a corporation or a family; every member of which ought to unite for the good of all without being influenced by selfish and ambitious views. He (Mr. Viger) was happy to see such an unity of purpose on the subject.⁸

(168)

And the said amendments being again read, they were agreed to by the House.

Ordered, That Mr. Christie do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Administration
of Justice, L.
Canada.

Mr. Christie moved, seconded by Mr. Papineau, that the amendments made by the Legislative Council to the Bill, intituled, "An Act to amend the Law relative to the administration of Justice in

Lower Canada," be now taken into consideration.

The Honourable Mr. Black moved, seconded by Mr. Turcotte, that the consideration of the said motion be postponed until tomorrow.

Administration
of Justice,
L. Canada.

The question having been put upon the said motion a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BLACK, BOSWELL, CAMERON, CARTWRIGHT, CHABOT, CHESLEY, CRANE, DALY, DUGGAN, DUNLOP, FORBES, HAMILTON, HINCKS, HOPKINS, MCLEAN, MURNEY, PARKE, PRICE, SIMPSON, GEORGE SHERWOOD, HENRY SHERWOOD, TACHE, TURCOTTE, and WOODS. (24.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BARTHE, BERTHELOT, BOUTILLIER, CHILD, CHRISTIE, DERBISHIRE, DE WITT, DUNN, DURAND, FOSTER, GILCHRIST,

HALE, HARRISON, HOLMES, JOBIN, JONES, LACOSTE, LAFONTAINE, MOORE, MORIN, NOEL, PAPINEAU, PRINCE, QUESNEL, ROBLIN, SMALL, HENRY SMITH, HARMANNUS SMITH, THOMPSON, THORBURN, L. M. VIGER, and WILLIAMS. (34.)

So it passed in the negative.

The Question being then put on the main motion, it was agreed to.

And the House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth:--

Press 2, Line 37.--After "District" insert "Provided also that such Commissioners of Bankrupts shall be Advocates of at least five years standing at the Bar of Lower Canada."

Press 3, Line 24.--After "appoint" insert "some Advocate of at least five years standing at the Bar of Lower Canada."

Ibid, Line 40.--Leave out "on pain of nullity."

Ibid, Line 44.--Leave out from "and" to the end of the clause, inclusively.

Press 38. Schedule B.--Leave out from "on all proceedings" inclusively to Press 39, line 23, to "to the Clerk" exclusively, and insert the following:

"On all proceedings in actions settled before return (except those on which additional fees are hereinafter allowed) to the Plaintiff's Attorney.....	£	S.	D.	S.	D.	S.	D.
On all proceedings (except aforesaid) in actions settled after return and before contestation, or in which judgment shall be given on confession or by default or <u>ex parte</u> without enquête (that is to say, without the examination in Court of any witness or party) to the Plaintiff's Attorney.....	1	0	0	5	0	3	4
And to the Defendant's Attorney.....		10	0	5	0	2	6
On the same, if the judgment be given by default or <u>ex parte</u> , but with enquête, to the Plaintiff's Attorney.....	1	10	0	10	0	7	6
And to the Defendant's Attorney.....		10	0	5	0	2	6

	£	S.	D.	£	S.	D.	£	S.	D.
On the same in actions discontinued, after contestation, to the Plaintiff's Attorney.....	2	0	0	10	0	5	0		
And to the Defendant's Attorney.....	1	0	0	10	0	5	0		
(169)									
On the same, where the Judgment shall be given after contestation, to the Plaintiff's Attorney.....	3	10	0	12	6	7	6		
And to the Defendant's Attorney.....	3	0	0	10	0	5	0		
In all Hypothecary actions, mixed actions, or actions for personal wrongs, the same fees as in first class actions.									
On all oppositions, except oppositions <u>afin de conserver</u> , interventions, and <u>requêtes civiles</u> when contested, and also on contestations of <u>saisie</u> <u>arrêt</u> , after Judgment, or of declarations made by Garnishees, the same fees as in the original actions to which the same shall be incident.....									
In all incidental cross <u>demandes</u> , half the fees allowed in original actions for a like sum.....									
Additional fees on certain proceedings.									
On each opposition <u>afin de distraire</u> or <u>afin d'annuller</u> , intervention, or <u>requête civile</u> not contested...	1	0	0	10	0	5	0		
On each opposition <u>afin de conserver</u> ..	1	0	0	10	0	5	0		
On a <u>saisie arrêt</u> after Judgment, when there is no contestation.....		10	0	5	0	2	6		
On suing out any writ of <u>Saisie</u> <u>Gagerie</u> , <u>Saisie Revendication</u> , or <u>Saisie arrêt</u> , before Judgment, or on any special declaration, acquired by the Court.....		7	6	5	0	2	6		
For each copy more than one, of any declaration, Petition, inter- vention, or opposition.		2	6	2	0	1	3		
For each Plea in writing, ordered by the Court, including copy.....				2	6				
On each Rule to take up the instance, or to declare a Judgment executory or for <u>contrainte par</u> <u>corps</u> , or other Rule of a like nature, when declared absolute, to the attorney prosecuting the same.		15	0	10	0	5	0		

And when over ruled, to the Attorney resisting the application.....	£	S	D. S.	D.	S.	D.
		10	0 5	0	2	6
On a <u>Commission Rogatoire</u> and all proceedings relative thereto, to the Attorney suing out the same.....		10	0 5	0	2	6
And to the Attorney of the opposite party.....		5	0 2	6		
To the Attorney employed by either Party to attend to the execution of such Commission.....		10	0 10	0	10	0
For every copy of a Rule or Order of Court.....		1	0			
For suing out any Writ of Execution.		2	6			
For Bill of Costs and attendance at taxation.....		2	6			

Ordered, That the question of concurrence be now separately put upon each of the said amendments.

And the first to the third of the said amendments being severally read and the question of concurrence being separately put upon each, they were unanimously agreed to.

The fourth and last of the said amendments being read.

L'orateur ((M. CUVILLIER)) s'objecte à ce que l'on procède avec le bill, vu qu'il se trouvait un des amendements faits par le conseil législatif qui empiétait sur les privilèges de la chambre. D'après une règle de la chambre, le conseil législatif ne pouvait se mêler des affaires pécuniaires qui la regardaient. Dans l'amendement, le conseil avait réduit le tarif des honoraires; ce qui était une infraction de leurs règles et une atteinte à leurs privilèges. Il est donc d'opinion que l'on doit différer la considération de la question; les privilèges de la chambre ne devant pas être sacrifiés à des motifs de convenance (Ecoutez écoutez).⁹

(169)

Ordered, That the consideration of the said amendment be postponed until tomorrow.

On motion of Mr. Christie, seconded by Mr. Child.

Small Causes
Lower Canada.

Ordered, That the amendments made by the
Legislative Council to the Bill, intituled,
"An Act to provide for the summary trial of
Small Causes in Lower Canada," be now taken into consideration.

The House proceeded accordingly, to take the said amendments into consideration.

And the said amendments were read, and are as followeth:

Press 5, Line 14.--Leave out "for either" and insert "by consent."

Press 5, Line 15.--Leave out "Plaintiff or Defendant."

And the said amendments being again read, they were agreed to by the House.

Ordered, That Mr. Christie do carry back the said Bill to the Legislative Council, and acquaint their Honours, that this House hath agreed to their amendments.

Administration of Justice, District of Gaspé. Mr. Armstrong from the Committee of the whole House, on the Bill to establish the District of Gaspé, and to provide for the due administration of Justice therein, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's Table.

Ordered, That the question of concurrence be now separately put upon each of the said amendments.

And the first and second of the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

The third of the said amendments being again read, and the question of concurrence being put thereon, a division ensued, and it was carried in the affirmative.

The fourth to the sixth and last of the said amendments being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Bill as amended, be engrossed.

Kingston Mineral Wells Company. The order of the day for the second reading of the Bill, to incorporate the Kingston Mineral Wells Company, being read.

The said Bill was accordingly read, and referred to a Select Committee composed of Mr. Cartwright, Mr. Henry Smith, the Honourable Mr. Harrison, Mr. Roblin, and Mr. Murney, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Intestate Estates. The Order of the day for the second reading of the Bill, to provide for the more equal distribution of the property of persons dying intestate, within that part of this Province formerly Upper Canada, being read.

Ordered, That the further consideration of the said Bill, be postponed.

Chartered Banks. The Order of the day for the second reading of the Bill, to authorise the Chartered Banks of this Province to open books in the United Kingdom, for the transfer of their Stock, being read.

(170)

Ordered, That the said Bill be read a second time, on Thursday next.

Coteau du
Lac Road.

The Order of the day for the second reading of the Bill, for the opening of a road from Coteau du Lac to Dundas Street through the third concession of Lancaster, being read.
Ordered, That the said Bill be read a second time, on Friday next.

Third Conces-
sion, Cornwall.

The Order of the day for the second reading of the Bill, for better defining and establishing the Eastern boundary line of the third concession of the Township of Cornwall, in the Eastern District being read.
The said Bill was accordingly read, and ordered to be engrossed.

Sessions of
Peace, District
of St. Francis.

The Order of the day for the second reading of the Bill, to alter the terms of the General Sessions of the Peace, in and for the District of St. Francis, being read.
The said Bill was accordingly read, and ordered to be engrossed.

Friendly
Societies.

The Order of the day for the second reading of the Bill, to afford protection and encouragement to Friendly Societies, being read.
The said Bill was accordingly read, and referred to a Special Committee, composed of Mr. Hale, Mr. Foster, Mr. Child, Mr. Durand, and Mr. Dunlop, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Report of
Committee on
petition of
J. H. Lambe
and others.

The Order of the day for the House in Committee on the Report of the Special Committee, to which was referred the Petition of J. Henry Lambe and others, of the City and Parish of Montreal, (relating to the commutation with the Censitaires, of Nazareth, and other Fiefs,) being read.

The House accordingly resolved itself into the said Committee.
Mr. Johnston took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee, had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to authorize the Proprietors of Fiefs Nazareth, St. Augustin, and St. Joseph, to commute with their Censitaires upon such terms as may be mutually agreed upon between the Parties, and that the said authority do continue in force until a general Law be passed to authorize the Seignors of the late Province of Lower Canada, to commute with their Censitaires, and that Legislative enactment be made to that effect.

Fiefs Nazareth.

Ordered, That Mr. DeWitt have leave to bring in a Bill to empower the Seigniors of the Fiefs Nazareth, St. Augustin, and St. Joseph, in the City and County of Montreal to commute the Tenure of the Lands, now held en censive in the said Fiefs respectively.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time tomorrow.

Imprisonment
for debt.

The Order of the day for the House in Committee on the Bill, to abolish imprisonment on execution for Debt, and for the punishment of fraudulent

Debtors, being read,

The House accordingly resolved itself into the said committee,

Mr. Roblin took the Chair of the Committee, and after some time spent therein.

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Indian Reservation,
Eastern District.

The order of the day for the House in Committee on the Report of the Select Committee, to which was referred the Petition of Alexander McDonald and others, Inhabitants of the Indian Reservation,

in the Eastern District, being read,

The House accordingly resolved itself into the said Committee,

Mr. Williams took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Williams reported that the Committee had come to a Resolution which he was directed to submit to the House, whenever it shall be pleased to receive the same,

Mr. Speaker having put the question,

Shall the Report be received? 10

MR. BALDWIN said he hoped that the House would not support the resolution, unless disposed to alter the franchise from a freehold to a leasehold. Granting the prayer of the petition, would be merely legislating for individuals. Such an alteration ought not to be made unless the privation complained of, was a public one. Should it be made to appear that a minority of the people only were represented in the House, he (Mr. Baldwin) would be happy to co-operate in any efforts to alter the system.¹¹

MR. CHESLEY said, when it was known that those from whom the franchise was withheld, were as respectable and as industrious and as worthy as those who had it, why was it to be withheld from them? Was it right that those who were called upon to pay taxes, members' wages, and support their

share of other burthens, should not even be represented nor be eligible to a Seat in the Municipal Council? With reference to leaseholders having the right to vote, Lower Canada exhibited a complete refutation to any argument to the contrary, as leaseholders, for thirty years, were allowed to vote there, while those in Upper Canada, who held their leases since 1792 for 99 years with a renewal in perpetuum were to be denied it!¹²

MR. SIMPSON supported the resolution.¹³

MR. BOSWELL opposed it.¹⁴

COL. PRINCE said he was not only in favour of claims like these, but also of those of the Red man in this particular, who, with every honourable principle to distinguish him, was precluded from voting, while the coloured man was indiscriminately allowed the privilege. The petitioners paid for representation, and yet had no voice in it. This was both unjust and illiberal. As to universal suffrage. How could this be termed such? Universal suffrage would give the right to vote to every man whose property did not exceed a dozen oranges. Again, as to 40s. freeholders, could they be compared with those who held lands worth £40, or ten times £40 per annum? There were many in the county of Kent which the member for Port Sarnia well knew, who would be glad to vote on location tickets. So convinced was he (Col. Prince) of the justice of the prayers of the petitioners, that he would bring in a Bill to relieve those in his county who had a similar cause of complaint.¹⁵

(170)

The House divided on the question, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs BOUTILLIER, CHESLEY, CHRISTIE, DE WITT, FORBES, LESLIE, D. McDONALD, J. S. McDONALD, MCLEAN, MERRITT, MOORE, NOEL, PRINCE, SIMPSON, THORBURN, and WILLIAMS.--(16.)

NAYS.

Messieurs ARMSTRONG, BALDWIN, BERTHELOT, BOSWELL, BOULTON, CAMERON, GILCHRIST, HALE, JONES, LAFONTAINE, MORIN, QUESNEL, ROBLIN, TACHE, TURCOTTE, and D. B. VIGER.--(16.)

Casting vote.

And the Votes being equally divided, Mr. Speaker gave his casting vote in the Negative.

Niagara Bank.

The Order of the day for the House in Committee on the Bill to amend the Act incorporating the

Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the Stock of the said Bank, with an Instruction to take into consideration the expediency of repealing the clause requiring security to double the amount of the Stock paid in, being read,

The House accordingly resolved itself into the said Committee.

Mr. Thorburn took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Thorburn reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Contingencies.

The Order of the day for the House in Committee on the fourth Report of the Standing Committee of Contingencies, being read,

Resolved, That this House will, tomorrow, resolve itself into the said Committee.

Navigation of the St. Lawrence.

The Order of the day for taking into consideration a motion made by Mr. Christie, on the twenty-third instant, "That the question of concurrence

be now separately put upon the amendments made by the Committee of the whole House to the Bill, to alter and amend certain Acts therein mentioned relating to the navigation of the River St. Lawrence, in so far as the same relates to the Port of Quebec," being read,

(171)

The said amendments were accordingly read, and the question of concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Bill, as amended be engrossed.

Registration, Lower Canada.

The Order of the day for the House in Committee on the Bill to amend the Ordinance, providing for the Registration of Titles to Real Property or

Incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain Claims, being read,

The House accordingly resolved itself into the said Committee.

Mr. Forbes took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Forbes reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

*Then on motion of the Honourable Mr. Viger, seconded by Mr. De Witt,
The House adjourned.*

APPENDIX, 28 NOVEMBER 1843.

((WITHDRAWN MOTION RE: REDUCTION OF PUBLIC OFFICIALS IN THE EXECUTIVE AND THEIR SALARIES.))¹⁶

MR. BOULTON, in pursuance of a notice the day preceding, moved for leave to bring in a Bill to limit the public functionaries in the Executive, and to reduce the amount of their salaries.¹⁷

MR. BALDWIN rose and said that this gave him an opportunity of making a remark with regard to the explanation due to the country from himself and his colleagues relative to their late resignation. He (Mr. Baldwin) was prepared to give it yesterday, but had deferred doing so, in compliance with a wish to that effect from his Excellency. A message to the same purport had also, this day, been brought down by the Honble. Secretary the Member for Megantic, who at present composed the Administration, which was sufficient, he trusted, for still further postponing the explanation until to-morrow, when he would be fully prepared to enter into it. In relation, however, to the motion before the House, he (Mr. Baldwin) considered it very ill-timed, and calculated only to embarrass his successors in office, and with this opinion he would strenuously oppose it.¹⁸ Il croit qu'il conviendrait de la différer pour quelques jours. Ce procédé n'avait pas d'exemple, et était une atteinte à la prérogative royale.¹⁹

MR. PRICE said that he had always felt a desire to reduce the Civil List, and approved of the principle of the Bill. He was of opinion, however, that a better time might be selected for bringing it forward, and that it was not improbable that the measure might be taken up by the Members of the Government themselves.²⁰

MR. BOULTON said he would not flinch from bringing forward such a Bill let who would be in office. The Bill did not involve the creation of any new appointment, but was intended merely to prescribe the highest rate at which the Members of the Administration were to be paid. The only embarrassment that he (Mr. Boulton) could see that was likely to arise out of it, was the establishing of a fixed maximum rate of salary. In his opinion, no Government, whether Imperial or Colonial, ought to be allowed to put their hands into the pockets of the people without first obtaining their sanction through their representatives in Parliament; and he would assume the sole responsibility of introducing a measure like the present one to prevent it.²¹

MR. VIGER was surprised that a gentleman so remarkable for his knowledge, experience, and capacity, as the Member for Niagara, should pursue such a course at such a time. Considering the unfortunate position in which the country was placed at the moment he (Mr. Viger) thought that common courtesy and common decency ought to dictate that such a motion should be withdrawn.²²

M. LAFONTAINE dit qu'il n'est pas opposé aux principes d'un semblable bill; mais il considère que sont (sic) introduction dans le moment actuel embarrasserait beaucoup le gouvernement, il est d'opinion qu'il est du devoir du membre pour Mégantic, qui seul alors formait le cabinet de s'opposer à son introduction.²³

MR. HINCKS said that it would appear from the remarks of the Hon. Member for Niagara, that his friend, the Member for Rimouski, was desirous of fostering a system whereby the public money could be appropriated without the consent of the people. On the contrary, it was well known that with reference to Mr. Christie's resolutions, involving retrenchment, the Government had intended to take action upon them before going into a committee of supply. There being virtually no Administration at present, he (Mr. Hincks) considered the Bill wholly uncalled for, although he and his late colleagues were pledged to the principle, and would go precisely the same lengths with reference to it when in opposition, as they had been disposed to go when in power.²⁴

The motion was then withdrawn ((by MR. BOULTON)), to be brought forward again ((at)) the earliest opportunity.²⁵

FOOTNOTES - 28 NOVEMBER 1843.

1. The debate on this matter was reported in: MONTREAL GAZETTE, 5 December 1843, in an account identical to that of BRITISH COLONIST, 5 December 1843; and LA MINERVE, 7 December 1843.
2. LA MINERVE, 7 December 1843.
3. MONTREAL GAZETTE, 5 December 1843.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. LA MINERVE, 7 December 1843.
10. The debate on this matter was reported in: MONTREAL GAZETTE, 5 December 1843, and BRITISH COLONIST, 5 December 1843, in identical accounts.
11. MONTREAL GAZETTE, 5 December 1843.
12. IBID.
13. IBID.
14. IBID.
15. IBID.
16. The debate on this withdrawn motion was reported in: MONTREAL GAZETTE, 5 December 1843, in an account identical to that of BRITISH COLONIST, 5 December 1843; LA MINERVE, 7 December 1843; and L'AUREOLE, 5 December 1843.
17. MONTREAL GAZETTE, 5 December 1843.
18. IBID.
19. LA MINERVE, 7 December 1843.
20. MONTREAL GAZETTE, 5 December 1843.
21. IBID.
22. IBID.
23. LA MINERVE, 7 December 1843.
24. MONTREAL GAZETTE, 5 December 1843.
25. IBID. Please see the Appendix for 7 December 1843, when Mr. Boulton apparently re-submitted his motion.

WEDNESDAY, 29 NOVEMBER 1843.

(171)

M. Beaubien.

PIERRE BEAUBIEN, Esquire, Member for the City of Montreal, having previously taken the oath according to Law and subscribed before the Commissioners the Roll containing the same, took his seat in the House.

4 Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Black--The Petition of the Members of the Bar of Lower Canada, resident in the District of Quebec; and the Petition of John Young on behalf of himself and other sufferers by the fall of the Cape Rock at Quebec.

By Sir Allan N. McNab--The Petition of William Keroot and others, Inhabitants of Caledonia, and other places in Canada West.

By the Honourable Mr. Attorney General Baldwin--The Petition of Charles Smith and others, Freeholders of the village of Dundas in the District of Gore.

Third Conces-
sion Cornwall.

An engrossed Bill, for better defining and establishing the Eastern Boundary line of the third Concession of the township of Cornwall, in the Eastern District, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. McLean do carry the said Bill to the Legislative Council, and desire their concurrence.

Sessions of
Peace, St.
Francis.

An engrossed Bill, to alter the Terms of the General Sessions of the Peace in and for the District of Saint Francis, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hale do carry the said Bill to the Legislative Council, and desire their concurrence.

Navigation of
St. Lawrence.

An engrossed Bill, to alter and amend certain Acts therein mentioned relating to the navigation of the River St. Lawrence, in so far as the same relates to the Port of Quebec, was read for the third time.

Resolved, That the Bill do pass and the Title be, "An Act to alter and amend certain parts of an Act therein mentioned relating to the navigation of the River St. Lawrence in so far as the same relates to the Port of Quebec."

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Administration
of Justice,
Gaspé.

An engrossed Bill, to establish the District of Gaspé, and to provide for the due Administration of Justice therein, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of the Reverend H. Esson and others, the Committee of the management of the temporalities of St. Gabriel Street Church, Montreal, praying that the Bill to provide for the management of the Temporalities of the Presbyterian Church in Canada, be not passed.

Of John Scholfield and others, inhabitants of the District of Niagara; praying that the Charter of the University of King's College may be so amended that all classes of Her Majesty's subjects may participate equally in its benefits.

Of the Municipal Council of the District of Niagara; praying that the site of the new District Town may be fixed at the village of Port Robinson, in the Township of Thorald.

Of the Reverend John M. Rogers and others, Inhabitants of the District of Colborne; praying that the Charter of the University of King's College, at Toronto, may be so amended, as to give to all classes of Her Majesty's subjects full and equal benefits from the said Institution.

Of John DeCow and others, Inhabitants of the County of Haldimand; praying for the erection of the said County into a separate District.

Religious Societies'
Lands.

Mr. Williams from the Select Committee appointed to draw up reasons to be offered to the Legislative Council at a conference for disagreeing to the amendments made by their Honors to the Bill intituled, "An Act to enable Religious Societies of all denominations of Christians (in that part of the Province called Upper Canada) to hold the Lands requisite for certain purposes therein mentioned," reported that the Committee had prepared the said reasons, which said reasons were again read at the Clerk's table, and are as followeth:--

1st. Because the free exercise of conscientious scruples in matters of religious opinion, ought not to subject the persons or Denominational Bodies, exercising the same to any civil disqualification, or disability of their natural and inherent rights.

2nd. Because it would have a tendency to maintain and perpetuate an unjust and invidious distinction, to deny to any body of professing Christians in that part of the Province called Upper Canada, the same rights, privileges, and immunities, that similar Bodies enjoy in that part of the Province called Lower Canada.

And lastly, because the said Amendments expressly abridge and restrict

the rights and powers of those Denominations of Christians recognized by the Statutes of Upper Canada, although it appears, the intent is apparently to extend and enlarge the same.

(172)

Report on
Petition of
Billa Flint.

Mr. Taché from the Special Committee, to which was referred the Petition of Billa Flint and others, Inhabitants of the District of Johnstown, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee after having carefully examined the said Petition, and the arguments therein contained, have come to the conclusion that the prayer of the Petitioners should not be granted for the following reasons:--

Because in all civilised countries, the Science of Medicine is only intrusted in practice to those who having first received a liberal education, are obliged to go through certain prescribed studies, follow courses of Lectures, and undergo a severe examination, by which means all necessary precautions are taken to prevent the life and health of mankind from being exposed to the inexperience of the unskilful and uneducated:--

Because under the name of "Simples and roots of our woods" are comprised at the same time the most energetic remedies and the most noxious substances, the vegetable Kingdom affording to the man of Science the most efficacious Agents, according to their good or bad applications:

Because it is as necessary to make a particular study of the substances furnished by the vegetable kingdom, with reference to their application to disease, as it is of mineral and pharmaceutic substances, and other preparations:

Because lastly the study of Materis Medica itself, can be of no avail in the cure of diseases, if he who wishes to make use of it is not previously initiated in the Secrets of the organization of the human frame, of its functions in the state of health, and the changes which it experiences when in a diseased state.

Your Committee would therefore strongly urge the necessity of refusing the prayer of the said Petitioners."

Report on limits
and divisions
of City of
Toronto, &c.

The Honourable Mr. Attorney General Baldwin, from the Select Committee, appointed to enquire into the present limits and divisions of the City of Toronto, and the different towns and villages having police regulations in Upper Canada; and into the expediency of altering them or any of them, to report from time to time as to the limits and divisions which it may, in their opinion, be expedient to establish for the said City, and the said Towns and Villages respectively, or for any of them, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee beg leave most respectfully to report that they have inquired into the subject referred to them, and have prepared descriptions of the Boundaries, which in their opinion it is the most expedient to establish for the City, Towns, and Villages, included in the reference; and also of the divisions into Wards which in their opinion will be most convenient for the City of Toronto, and the Towns of Kingston and Hamilton respectively.

In most instances the Committee have come to the conclusion that no alteration need be made in the Boundaries referred to them; in some however, they have felt it to be their duty to recommend alterations and they have arranged the names of the places referred to in three Schedules marked respectively. A. B. and C. corresponding with the three Schedules appended to the Bill now pending before your Honourable House, intituled, "An Act to provide for the incorporation of Townships, Towns, Counties, and Cities, in Upper Canada, in which Schedule will be found the descriptions and divisions which they respectfully recommend to be established for those places respectively.

SCHEDULE A.

Towns not divided into Wards.

1. Niagara, comprising all that part of this Province situate in the County of Lincoln, and lying within the following limits, that is to say:--Commencing at Mississagua Point, thence westerly along Lake Ontario to Crookston:--thence along the rear or Town line of Niagara to the Black Swamp road:--thence along the Eastern limit of the lands of the late Thomas Butler, Esquire deceased, and the lands of Garret Slingerland, to the North-West angle of the lands of John Ecclesion:--thence Easterly to where the lands formerly owned by the Honourable William Dickson, and the late Martin McLennan, deceased, come in contact:--thence East along the Northern Boundary of the lands of the said Martin McLennan, deceased, to the River Niagara:--thence Northerly down the said Niagara river to the place of beginning.

2. Brockville, comprising all that part of this Province situate in the County of Leeds, and composed of the front halves of lots numbers ten, eleven, twelve, and thirteen, in the first concession of the Township of Elizabethtown, in the County of Leeds aforesaid, together with Block House Island, and the waters of the St. Lawrence to the distance of thirty rods from the shore in front of the Town.

3. Cornwall, comprising all that part of this Province situate in the County of Stormont and lying within the following limits, that is to say:--commencing at the foot of Cumberland Street at the water's edge of the River St. Lawrence, and following the line which divides the said street of lot number twelve of the first concession of the Township of Cornwall, North sixteen degrees West, ninety chains more or less to the limit between Ninth Street of the said Town and the Glebe lot:--thence following the said limit East sixteen degrees North, eighty chains more or less, to the limit between Marlborough Street, and lot number

seven in the first concession in the said Township of Cornwall:--thence following the said limit South sixteen degrees East, eighty two chains more or less to the limit between the Town plot of Cornwall and Petite Pointe Maligne or Pot ash Point:--thence following the said limit West sixteen degrees South, twenty seven chains, to the Western side limit of Amelia Street:--thence following the direction of the said Street South sixteen degrees East, twelve chains more or less to the water's edge of the River St. Lawrence, and thence following the said water's edge upwards to the place of beginning.

4. Port Hope, comprising all that part of this Province, situate in the County of Durham, and lying within the following limits, that is to say: Lots numbers four, five, six, seven, and eight, in the first Concession of the Township of Hope, and the broken fronts of the said Lots.

5. Prescott, comprising all that part of this Province situate in the County of Grenville, and lying within the following limits, that is to say: commencing at the South East corner of lot number one in the first concession of the Township of Augusta:--thence running North twenty four degrees West, one mile:--thence South sixty six degrees West to the Boundary line which divides the East from the West half of lot number five in the first concession of the aforesaid Township of Augusta:--thence South twenty four degrees East to the River St. Lawrence:--thence along the water's edge to the place of beginning, including the harbour in front of the said Town of Prescott.

6. Belleville, comprising all that part of this Province situate in the County of Hastings, and lying within the following limits, that is to say:--commencing at the limits between lots numbers five and six, in the first concession of the Township of Thurlow, so as a line at right

(173)

angles, with a boundary line between the said lots numbers twenty five and twenty six, will run on the Northerly side of Wonnocott's bridge; thence South seventy four degrees West to the limits between lots numbers two and three; thence South sixteen degrees East to the Bay of Quinté; thence Easterly following the winding of the Bay to the limit between lots numbers five and six aforesaid; thence North sixteen degrees West to the place of beginning; together with the Island opposite Mr. Baldwin's wharf, and the wharf.

7. Cobourg, comprising all that part of this Province situate in the County of Northumberland, and lying within the following limits, that is to say: commencing on Lake Ontario at the water's edge, at the South East angle of lot number fourteen, in concession B. of the Township of Hamilton; thence North sixteen degrees West to the centre of the first concession; thence South seventy four degrees West to the centre of lot number twenty one in the said concession; thence South sixteen degrees East to the said Lake; thence along the water's edge to the place of beginning, together with the harbour and piers in front of the said Town.

8. Pictou, comprising all that part of the Province situate in the County of Prince Edward, and lying within the following limits, that is

to say; commencing on the side line on the South side of lot letter A. fifty chains from the front; thence at a right angle across lot letter A. and lot number one in the first concession, North of the carrying place in the Township of Hallowell; thence in a South-Easterly direction along the side line between lots numbers one and two, twenty five chains; thence at a right angle across the said lot number two and lots numbers three and four; thence on the side line between the said lot number four and lot number five to the water's edge; thence across the Bay to the line between lots numbers seventeen and eighteen, in the concession South-East of the carrying place; thence along the water's edge to the limits between lots numbers nineteen and twenty in the said concession; thence along the line between the said lots numbers nineteen and twenty, fifty five chains; thence at right angles across lots numbers twenty, twenty one, and twenty two, in the last mentioned concession; thence along the line of the South-West side of the said lot number twenty two to the front of the lot; thence along the line on the East side of lot number twenty four in the third concession of the Military tract in a Southerly direction twenty five chains; thence at a right angle across the said lot number twenty four and lots numbers twenty three and twenty two; thence along the westerly side of the said lot number twenty two to lot letter A. including the harbour in the above mentioned boundaries.

9. London, comprising all that part of the Province situate in the County of Middlesex, and lying within the following limits, that is to say; commencing where Adelaide street intersects the River Thames; thence along the Eastern side of the said street North-westerly until it intersects Huron street; thence along the northern side of Huron street to the north branch of the said river; thence down the middle of the said branch to the allowance for road on the proof line; thence along the Western side of the same, Southerly to the river Thames; thence across the said River to Wharmcliffe Highway; thence along the Western side of the said highway Southerly, to the limits between lots numbers two and three west of the same; thence in the direction of the said limit, and the limit between lots numbers two and three West of Wortley road, and the limit between lots, numbers four and five East thereof, Easterly to the rear lines of the lot East of Wortley road, thence along the said rear line Southerly, to the limit between the North and South parts of lot number twenty five, in concession B. of the Township of Westminster; thence along the said limit Easterly, to the east side of the allowance for road between lots, numbers twenty four and twenty five in the said concession; thence along the Eastern side of the said allowance for road, northerly, to the river Thames, thence up the middle of the said river to the place of beginning.

SCHEDULE B.

Towns divided into Wards.

1. Kingston, to consist of all that part of this Province, situate

in the County of Frontenac, and lying within the following limits, that is to say; commencing at a point of five hundred feet in the direction of the Westerly side line of the road running from the front through or near the centre of lot number twenty in the first concession of the Township of Kingston, in the said County of Frontenac; thence in a direct line to the said Westerly side of the said road, and along the said side to the North-side of Union Street; thence East to the centre of the said lot, number twenty; thence north along the said centre, to the front of the second concession of the said Township; thence on the Northerly side of the concession road, to the South-easterly angle of lot number twenty four in the said second concession; thence North on the westerly side of the road to a point directly opposite the Boundary line, dividing lots number two and three on the West side of the Great River Cataragui; thence along the said division line, to the water's edge on the Easterly side of the Great River Cataragui, and along the water's edge at low water mark, to the extreme South-westerly point of Point Frederick, in the Township of Pittsburgh; thence Southerly, parallel to the Westerly Boundary line of the said Town, as herein before set forth, to the distance of five hundred feet from the said South-westerly point of Point Frederick; thence Westerly, in a right line to the place of beginning; and divided into five Wards, to be called respectively, Parliament Ward, Ontario Ward, St. Lawrence Ward, Cataragui Ward, and Frontenac Ward.

The said Parliament Ward, comprising all that part of the said Town lying within the following limits, that is to say; Westward and Southward of a line drawn from the foot of Gore Street through the said street to Bagot Street thence in a direct line to the continuation of Union Street or lot number twenty four; thence through the said street to the Western Boundary line of the Town.

The said Ontario Ward comprising all that part of the said Town lying within the following limits, that is to say: Between the said Boundary Line of Parliament Ward, and a line extending from the foot of Johnston Street through the said Street and its continuation to the Westerly Boundary of the said Lot number twenty four; thence in a line with the said continuation to the Boundary Line of the Town.

The said Saint Lawrence Ward comprising all that part of the said Town lying within the following limits, that is to say: Between the said Northerly line of Ontario Ward and a line extending from the foot of Princess Street through the said Street and its continuation to the Boundary Line of the Town.

The said Cataragui Ward comprising all that part of the said Town, lying within the following limits, that is to say: Northward and Eastward of a line extending from the foot of Princess Street; to Sydenham Street; thence through Sydenham Street to North Street, thence to the North Easterly corner of the Church of Scotland burying ground, thence in a direct line to Patrick Street, as laid out by William H. Kilbom, Deputy Provincial Surveyor; thence through the said Street, and in a direct line therewith to the Northerly Boundary Line of the Town.

(174)

The said Frontenac Ward comprising all that part of the said Town lying within the following limits, that is to say:--Westward of that part of the line of Cataragui Ward, which extends through Sydenham Street to the Town limits, and Northward of a line running from the intersection of Sydenham and Princess Streets up the latter Street, and its continuation to the Boundary Line of the Town.

2. Hamilton, comprising all that part of this Province situate in the County of Wentworth, and lying within the following limits, that is to say:--Commencing at the North East corner of lot number thirteen, in the first Concession of the Township of Barton, at the water's edge of Burlington Bay, thence along the shore of the said Bay Westerly and Northerly to the marsh; thence along the edge of the said marsh in its windings in a Westerly and South Westerly course or courses at the foot of Burlington Heights to where the said marsh leaves the foot of the said Heights; thence following the foot of the said Heights Southerly to the intersection of the Macadamized road from Hamilton to Dundas; thence along the said road Easterly until it intersects the allowance for road between lots numbers sixteen and seventeen; thence following the last mentioned road allowance South Westerly to the road allowance in the rear of the third Concession; thence along the said last mentioned road allowance Easterly to the road allowance between lots numbers thirteen and twelve; thence along the said last mentioned road allowance North Easterly to Burlington Bay and to the place of beginning; including the whole of the aforesaid allowance for roads, and the harbour in front of the said Town, and shall be divided into five Wards, in the following manner, that is to say:--all that part of the present Town of Hamilton lying West of John or Mountain Street and South of King Street, shall comprise the first Ward, to be called St. Andrew's Ward.

All that part of the Town lying West of John Street, and North of King Street, shall comprise the second Ward, to be called St. George's Ward.

All that part of the Town East of John Street and North of King Street, shall comprise the third Ward, to be called St. David's Ward.

All that part of the Town lying East of John or Mountain Street and South of King Street shall comprise the fourth Ward, to be called St. Patrick's Ward.

And all that part of the Town which did not comprise part of the said Town before the passing of this Act, shall comprise the fifth Ward, to be called St. Mary's Ward.

SCHEDULE C.

City.

Toronto, to consist of all that part of this Province situate within the County of York and lying within the following limits; that is to say:--Commencing at the distance of one chain, on a course South, sixteen degrees East, from the South Westerly course of lot number two, in the first Concession from the Bay in the Township of York, in the

County of York; thence Southerly, in the direction of the said line between lots numbers two and three in that Concession to the distance of five hundred feet from the point at which the said line intersects the margin of the water on Lake Ontario; thence Westerly through the waters of Lake Ontario, following the direction of the curvatures of the shore, and keeping always at the distance of five hundred feet from the margin of the water, till the point is attained, which is five hundred feet from the Northwesternmost point of the Island or Peninsula forming the Harbour; thence crossing the Bay or Harbour of York to a point where a line drawn Southerly from the North Easterly corner of Park Lot number twenty in the said Township of York, in the direction of the Easterly Boundary line of the said Park lot intersects the margin of the water on the shore of the Lake Ontario; thence Northerly in the direction of the line so drawn from the corner of the said Park lot, through the said corner to the point at which the line so drawn through the said corner intersects the Northerly Boundary line of the allowance for road between the Park lots and the second Concession of the Bay in the said Township of York; thence Easterly along the Northerly Boundary line of the said allowance for road, to the Easterly shore or waters' edge of the River Don; thence Southerly along the waters' edge on the Eastern side of the said River to the point where the said waters' edge intersects the Southerly Boundary line of the allowance for road in front of the said first Concession; thence Easterly along the Southerly Boundary line of the allowance for road in part of the said first Concession to the place of beginning; and divided into eight wards to be called, respectively--the ward of St. Lawrence, the ward of St. James, the ward of St. David, the ward of St. George, the ward of St. Andrew, the ward of St. John, the ward of St. Patrick, and the ward of St. Paul.

The said ward of St. Lawrence comprising all that part of the said City lying within the following limits, that is to say:--Between the Northerly Boundary line of King Street, the Westerly Boundary line of Berkley Street, the Westerly Boundary of Yonge Street, and the Southerly Boundary line of the said City.

The said ward of St. James comprising all that part of the said City, lying between the following limits, that is to say:--Between the Northerly Boundary line of King Street, the Westerly Boundary line of Berkley Street, the Westerly Boundary line of Church Street, and the Northerly Boundary line of the said City.

The said ward of St. David, comprising all that part of the said City, lying between the following limits, that is to say:--Between the Northerly Boundary line of King Street, the Westerly Boundary line of Church Street the Westerly Boundary line of Yonge Street, and the Northerly Boundary line of the said City.

The said ward of St. George, comprising all that part of the said City, lying within the following limits, that is to say:--Between the Northerly Boundary line of King Street, the Westerly Boundary line of Yonge Street, and the Westerly and Southerly Boundary lines of the said City.

The said ward of St. Andrew, comprising all that part of the said City, lying within the following limits, that is to say:--Between the Northerly Boundary line of King Street, the Northerly Boundary line of Lot Street, the Westerly Boundary line of Yonge Street, and the Westerly Boundary line of the said City.

The said ward of St. John, comprising all that part of the said City, lying within the following limits, that is to say:--Between the Northerly Boundary line of Lot Street, the Westerly Boundary line of Yonge Street, the Westerly Boundary line of the College Avenue to the West of Osgoode Hall, and the Northerly Boundary line of the said City.

The said ward of St. Patrick, comprising all that part of the said City, lying between the following limits, that is to say:--Between the Northerly Boundary line of Lot Street, the Westerly Boundary line of the College Avenue West of Osgoode Hall, and the Westerly and Northerly Boundary lines of the said City.

And the said ward of St. Paul, comprising all that part of the said City, lying between the following limits, that is to say:--Between the

(175)

Westerly Boundary line of Berkley Street and a line continued in the same direction Northerly to the Northerly Boundary line of the said City, and the Northerly, Easterly and Southerly, Boundary lines of the said City.

Report on
Petition of
George Rykert
and others.

Mr. Thorburn from the Special Committee to which was referred the Petition of George Rykert and others, late Boundary Line Commissioners for the Niagara District, and the Petition of William Kethison, Junior, and others, late Boundary Line

Commissioners for the District of Victoria, and other References, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee are of opinion that an Act should be passed giving relief to the Petitioners in the following cases, that is to say: when judgment have been given by the Boundary Line Commissioners and no appeal therefrom before the expiration of the Statute 1st Vict. cap. 19; and also in cases where appeals have been made to the Court of Queen's Bench or Court of Chancery, and judgments given thereon.

"Your Committee would recommend as the detail of the Act above suggested, that the late Boundary Line Commissioners do petition the Judge of the District Court, setting forth their decision, together with the costs and expenses incurred, and the apportionment thereof--and the several parties interested, to be duly notified in writing of such application at least eight days previous--and the Judge upon hearing the parties interested and their witnesses, on oath, if required, or if no defence be made by any of the said parties, to order and direct that execution do issue against goods and chattels, and levy from each of the parties by whom such sums are due, the several amounts respectively, together with or without the costs of such application, as to such Judge may seem just and equitable."

On motion of Mr. Cartwright, seconded by Mr. Henry Smith,

J. A. P. Barbier. Resolved, That the Documents, Evidence, and Proofs, upon which is founded the Bill, intituled "An Act to naturalize Jacques Adrien Pierre Barbier, and Euphrasie Barbier, his wife," be communicated by Message to the Legislative Council.

Ordered, That Mr. Cartwright do carry the said Message to the Legislative Council.

Administration of Justice, Lower Canada.

Ordered, That Mr. Christie have leave to bring in a Bill to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the Administration of Justice in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

Mr. Christie moved, seconded by Mr. De Witt, That the said Bill be now committed to a Committee of the whole House.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative.

The House accordingly resolved itself into the said Committee.

Mr. Boswell took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Boswell reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill as amended, be engrossed.¹

Duties on Agricultural Products.

Mr. Hale moved, seconded by Mr. Christie, that this House do now resolve itself into a Committee of the whole House, to consider the expediency of further continuing an Act past during the present

Session, to impose duties on Agricultural Products imported into this Province.²

((There was)) some discussion³.

(175)

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CARTWRIGHT, CHABOT, CHESLEY, CHILD, CHRISTIE, CRANE, DALY, DERBISHIRE, DE WITT, DUNN, DURAND, FOSTER, GILCHRIST,

HALE, HARRISON, HINCKS, HOLMES, HOPKINS, JONES, LAFONTAINE, SIR ALLAN N. MACNAB, D. MCDONALD, J. S. MACDONALD, MCLEAN, MERRITT, MOORE, MORIN, MORRIS, MURNEY, NOEL, PAPINEAU, PARKE, PRICE, PRINCE, QUESNEL, ROBLIN, SMALL, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, STEELE, STEWART, TACHE, THOMPSON, THORBURN, TURCOTTE, WAKEFIELD, WILLIAMS, and WOODS.-- (58.)

NAYS.

Messieurs BARTHE, BLACK, FORBES, HAMILTON, JOBIN, LACOSTE, LESLIE, NEILSON, SIMPSON, D. B. VIGER, and L. M. VIGER.--(11.)

So it was carried in the affirmative.

The House accordingly resolved itself into the said Committee.

Mr. Barthe took the Chair of the said Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Barthe reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Message from
Leg. Council.

A Message from the Legislative Council by
John Ferrings Taylor, Esquire, one of the Masters
in Chancery.

Mr. Speaker,

Independence
Leg. Council.

The Legislative Council have passed a Bill,
intituled, "An Act for the better securing the
Independence of the Legislative Council of this
Province," to which they desire the concurrence of the Legislative
Assembly.

And then he withdrew.

An engrossed Bill from the Legislative Council, intituled, "An
Act for the better securing the Independence of the Legislative Council
of this Province" was read for the first time.

On Motion of Mr. Morris, seconded by Mr. Merritt,

Cyprian Morgan.

Resolved, That the Documents, Evidence and Proofs,
upon which is founded the Bill, intituled,
"An Act to naturalize Cyprian Morgan and others," be communicated by
Message to the Legislative Council.

Ordered, That Mr. Morris do carry the said Message to the Legislative
Council.

Hon. MR. BALDWIN⁴ - said that before going into the order of the day he would occupy a few minutes in offering to the House an explanation of the circumstances which had led to the resignation of himself and colleagues. Explanations which this House and the Country would require at their hands. It was well known that 14 months ago,⁵ ce fut sous sir Charles Bagot qu'ils acceptèrent leurs portefeuilles, d'après des principes bien connus et sous l'empire desquels ils devaient conduire les affaires du pays. Ils étaient liés envers le pays de sanctionner ces principes, et dès qu'ils virent qu'il leur était impossible de les mettre pleinement à exécution, dès qu'ils eurent raison de les croire violés, ils devaient résigner afin de ne pas paraître devant le pays comme sanctionnant une déviation de ces principes. On se rappelle que des résolutions furent adoptées par suite d'une motion d'amendement faite par un des affidés de lord Sydenham à cet effet qu'étant le représentant de Sa Majesté il était responsable à elle seule pour ses actes, et qu'afin d'établir et de maintenir l'harmonie dans les diverses branches (sic) du gouvernement, il devait le conduire avec l'avis et l'assistance de ses conseillers.⁶ In order that these resolutions might be brought fairly before the House, he would now read them.

Resolved,- "That the Head of the Executive Government of the Province, living within the limits of his Government, the Representative of the Sovereign, is responsible to the Imperial authority alone; but that nevertheless the management of our local affairs can only be conducted by him, by and with the assistance, counsel, and information, of subordinate officers in the Province."

Resolved, - "That in order to preserve between the different branches of the Provincial Parliament that harmony which is essential to the peace, welfare and good Government of the Province, the chief advisers of the Representative of the Sovereign constituting a Provincial administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated."⁷ Voilà les résolutions qui furent alors passées et qui sont consignées solennellement dans les archives de cette chambre.⁸

The principle then was considered to have been fully admitted, and has been uniformly acted on both by the present administration and by its predecessors. And not only has it been admitted by this House, but he was bold to say that it had received the unanimous assent of the whole country. He and his colleagues had lately the misfortune to ascertain that the Head of the Government entertained views widely different both with respect to their position, duties, and responsibilities. Had this difference been merely theoretical he and his colleagues might have felt it their duty to have avoided any occasions of interrupting the harmony that should always exist between the Head of the Government and his responsible confidential advisers, but when they found that the difference in their views resulted in appointments to office, not only against their

advice - (and here he (Mr. Baldwin,) wished it to be distinctly understood as his opinion and that of all his colleagues, that the head of the Government had the perfect right to appoint whom he pleased after our advice had been given, and he could appeal to the opinions which he had expressed upon former occasions upon this point) but when they found as he was stating, that the different views entertained between them and the head of the Government, had resulted in appointments not only against their advice, but in appointments and proposals to make appointments, without even consulting them so that they might be able to give any advice according to the oaths which they had taken, - when these differences led to this state of affairs, he and his colleagues felt that they ceased to be mere theoretical differences, and these were not the only practical results that those differences produced, but an important measure (the Secret Society Bill,) was reserved for the sanction of Her Majesty after being introduced with his Excellency's sanction, and without the slightest intimation having been given that it would not be passed in this country, so that the public might be put fully in possession of the fact. Now, though he did not deny the right of the Governor to reserve measures for the Royal assent, yet he contended that some intimation of the intention to do so should be given, so that the country might be prepared and might know how the case stood. For what, he would ask, would be the result of a bill of this description being reserved for the Royal assent without any explanation. It would be supposed either that the Government were insincere in bringing it forward, knowing that it would be sent home to lie on the dusty shelves of the Colonial Office and never to become a law, as had happened in many other cases, or else it would be supposed that it had been introduced into Parliament without the sanction of the head of the Government. From these difficulties, what was the position in which we found ourselves placed before Parliament and the country? Responsible, and he appealed to that House whether it did not hold him responsible for every act of the Executive Government, not only for acts done against our advice, but for acts upon which we had no opportunity of advising, and of the existence of which we were ignorant until informed of them from private, and unofficial sources.⁹

Je le demande au nom du sens commun, au nom des principes les plus sacrés, était-il possible à des hommes d'honneur de continuer de rester au pouvoir dans ces circonstances sans s'exposer aux plus graves reproches? Pour ma part je n'hésite pas à dire que je n'aurais pas voulu y rester une seule heure de plus. La plus entière explication devenait indispensable. Si nous fussions restés dans le gouvernement, nous nous serions trouvés obligés de porter la responsabilité d'actes pour lesquels on ne nous aurait pas même donné l'occasion de faire valoir nos droits de conseillers responsables, pour lesquels on n'aurait pas même daigné nous consulter. Quand nous avons vu qu'il en était ainsi, nous avons adressé nos représentations au gouverneur, et le gouverneur nous a dit tout de suite, il ne s'en est pas caché, il nous a dit franchement, ouvertement, qu'il y avait une différence d'opinion entre lui et nous, et que ces (sic) vues n'étaient pas les nôtres; qu'il y avait eu un esprit d'antagonisme, d'inimitié, entre lui et nous dès le commencement.

Je le demande des hommes d'honneur pouvaient-ils continuer à rester au gouvernement davantage? Serait-il possible qu'un esprit d'antagonisme entre le gouverneur et ses conseillers existerait (sic), et depuis des mois, sans qu'à l'instant une pareille déclaration ne dût leur faire sentir la nécessité de remplir un devoir impérieux? A cette occasion nous lui avons dit respectueusement, et le plus distinctement qu'il nous fut possible que nous avions le droit d'être au moins consultés sur les actes, et que nous réclamions l'exercice de ce droit, sans quoi le grand principe du gouvernement représentatif se trouverait faussé, au détriment de tous, et de notre honneur en particulier. Nous avons dit aussi à Son Excellence que nous avions droit de nous attendre à être au moins instruits les premiers de ses actes; nous réclamions de Son Excellence de n'être pas réduits à les apprendre d'hommes, nos ennemis politiques, figurant dans les rangs opposés à la majorité dont nous sommes appuyés. Quand on saura que non seulement on avait dédaigné de nous consulter sur des actes Son Excellence, mais qu'on ne nous en avait pas même avertis, et que nos adversaires, des hommes opposés à la majorité, ont été les premiers à nous en donner des nouvelles, on conviendra que nous n'étions pas dans la position que nous devions occuper. Est-ce là le système que cette chambre croyait sanctionner en approuvant le gouvernement responsable? Est-ce ainsi que le pays comprenait la dignité de son administration? Non, assurément; et nous aurions été coupables si en continuant au pouvoir, nous lui avions donné à croire que tout était bien. Oui, je le répète, nous avons été placés dans cette position où il nous a fallu ne connaître les actes du gouverneur qu'après coup, et en les apprenant par la bouche d'étrangers à l'administration, d'hommes qui en étaient les ennemis, et les adversaires de la majorité du pays. La chambre pourrait-elle jamais se résoudre à approuver un pareil ordre de choses? (Profonde sensation.) Eh bien! voilà pourtant ce que nous avons eu à subir, et ce qu'il nous aurait fallu continuer d'essuyer, si nous avions persisté à garder nos portefeuilles. Lorsqu'on voit ainsi en péril, le principe fondamental sur la foi duquel le pays s'en repose avec confiance de la due (sic) administration de ses plus chers intérêts, lorsqu'on vient à considérer l'énormité du mal qui se rattache nécessairement aux conséquences (sic) d'une différence de cette nature, entre le représentant de Sa Majesté et ses conseillers responsables, on ne peut espérer que cette Chambre eût désiré nous voir continuer en office davantage.¹⁰

M. ((D. B.)) VIGER interrompit M. Baldwin, mais les cris: à l'ordre! qui s'élevèrent de tous côtés empêchèrent de bien entendre ce qu'il dit. On comprit cependant qu'il disait "qu'il était là pour défendre la prérogative de la couronne, et qu'il demandait à l'honorable orateur (M. Baldwin) s'il avait la permission positive ou spéciale de Son Excellence pour donner de telles explications."¹¹

MR. BALDWIN - I have.¹²

The member for Richelieu was called to order.¹³

He ((MR. BALDWIN)) had permission to state everything necessary for his justification, and had not such permission been given, he would have remained silent, and would have trusted to the justice of the House to put a favourable construction on his conduct. He had no intention of introducing anything but what he had a perfect right to do. And this House had a perfect right to a full explanation on the subject. If he misstated anything the Hon. member for Megantic (Mr. Daly) would have an opportunity of correcting him. He was about to allude to the fact that the differences and want of cordiality and confidence to which he had alluded had already become a matter of public rumour extending not only to acts regarding which there existed apparent grounds for difference of opinion but to all measures involving political principles. His Excellency on the one hand was supposed to be coerced by his Council into measures of which he disapproved, and they on the other hand were accused of assuming the tone and position of responsible advisers without in fact asserting the right of being consulted. True it was that the Head of the Government disavowed any intention of interfering with the mode of conducting public affairs which he found existing on his arrival, but his disavowal was coupled with the expression of his opinion that it would be better if the administration of public affairs were managed by the Governor himself without requiring unanimity of opinion among the members of his Gov't in Parliament or elsewhere. He would again say that if this were merely the theoretical opinion of the head of the Government, they might have had no right to object to it; but when they found it to be the real ground of all their difficulties, resulting in a state of avowed antagonism, and a want of cordiality and confidence between them and the distinguished individual at the head of the Government, they felt it impossible, consistently with their own honor or their duty to his Excellency, to continue longer to hold office. Having now explained the reasons for the retirement from office of himself and his colleagues, he had only to thank the House for the attention with which they had heard him.¹⁴

The Hon. MR DALY rose in reply and read the following ... ((memorandum from Mr. LaFontaine)).

Mr. LaFontaine, in compliance with the request of the Governor General, and in behalf of himself and his late colleagues, who have felt it to be their duty to tender a resignation of office, states, for His Excellency's information, the substance of the explanation which they propose to offer in their places in Parliament.

They have avowedly taken office upon the principle of responsibility to the Representatives of the people in Parliament, and with a full recognition, on their parts of the following Resolution introduced into the Legislative Assembly, with the knowledge and sanction of Her Majesty's Representative in this Province, on the 3d September, 1841.

"That the head of the Executive Government of the Province, being within the limits of His Government, the Representative of the Sovereign,

is responsible to the Imperial authority alone, but that nevertheless the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information of subordinate officers in the Province; and that in order to preserve between the different branches of the Parliament, that harmony which is essential to the peace, welfare and good government of the Province, the chief advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people - which our gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions be faithfully represented and advocated."

They have lately understood that His Excellency took a widely different view of the position, duties, and responsibilities of the Executive Council, from that under which they accepted office, and through which they have been enabled to conduct the Parliamentary business of the Government, sustained by a large majority of the popular branch of the Legislature.

Had the difference of opinion between His Excellency and themselves - and as they have reason to believe, between His Excellency and the Parliament and people of Canada generally, been merely theoretical, the Members of the late Executive Council, might, and would have felt it their duty to avoid every possibility of collision, which might have a tendency to disturb the tranquil and amicable relations which apparently subsisted between the Executive Government and the Provincial Parliament. But that difference of opinion has led not merely to appointments to office against their advice, but to appointments and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by - and to a determination on the part of His Excellency to reserve for the expression of Her Majesty's pleasure thereon, a Bill introduced into the Provincial Parliament with His Excellency's knowledge and consent, as a Government measure, without an opportunity being given to the Members of the Executive Council to state the probability of such a reservation. They therefore felt themselves in the anomalous position of being, according to their own avowals and solemn public pledges, responsible for all the acts of the Executive Government in Parliament, and at the same time not only without the opportunity of offering advice respecting those acts, but without the knowledge of their existence, until informed of them from private and unofficial sources.

When the Members of the late Executive Council offered their humble remonstrance to His Excellency, on this condition of public affairs, His Excellency not only frankly explained the difference of opinion existing between him and the Council, but stated from the time of his arrival in the country, he had observed an antagonism between him and them on the subject; and notwithstanding that the Members of Council repeatedly and distinctly explained to His Excellency that they considered him free to act contrary to their advice, and only claimed an opportunity of giving such advice - and knowing before others, His

Excellency's intentions - His Excellency did not in any manner remove the impression left upon their minds by His avowal that there was an antagonism between Him and them, and a want of that cordiality and confidence, which would enable them, in their respective stations, to carry on public business to the satisfaction of His Excellency and of the country.

The want of this cordiality and confidence had already become a matter of public rumour, and public opinion not only extended it to acts upon which there were apparent grounds for difference of opinion but to all measures of government involving political principles. His Excellency on the one hand was supposed to be coerced by his Council into a course of policy, which he did not approve of, and the Council were made liable to the accusation of assuming the tone and position of responsible advisers of the Government, without in fact asserting the right of being consulted thereupon.

While His Excellency disavowed any intention of altering the course of administration of public affairs which he found on his arrival in Canada, he did not disguise his opinion that those affairs would be more satisfactorily managed by and through the Governor himself without any necessity of concord amongst the members of the Executive Council or obligation on their part to defend or support in Parliament the acts of the Government. To this opinion of His Excellency, as one of theory, the members of the Executive Council might not have objected, but when on Saturday last they discovered that it was the real ground of all their difference with His Excellency and of the want of confidence and cordiality between His Excellency and the Council since his arrival, they felt it impossible to continue to serve Her Majesty as Executive Councillors for the affairs of this Province, consistently with their duty to Her Majesty or His Excellency, or with their public and often repeated pledges in the Provincial Parliament, if His Excellency should see fit to act upon his opinion of their functions and responsibilities.

Daly's Hotel,
27th November, 1843. }

The Governor General observes with regret, in the explanations which the gentlemen who have resigned their seats in the Executive Council, propose to offer in their places in Parliament, a total omission of the circumstances which he regards as forming the real grounds of their resignation; and as this omission may have proceeded from their not considering themselves at liberty to disclose those circumstances, it becomes necessary that he should state them.

On Friday, Mr. Lafontaine and Mr. Baldwin came to the Government House, and after some other matters of business, and some preliminary remarks as to the cause of their proceeding, demanded of the Governor General that he should agree to make no appointment, and no offer of an appointment, without previously taking the advice of the Council; that the

lists of candidates should in every instance be laid before the Council: that they should recommend any others at discretion, and that the Governor General, in deciding after taking their advice, should not make any appointment prejudicial to their influence. In other words, that the patronage of the Crown should be surrendered to the Council, for the purchase of Parliamentary support: for, if the demand did not mean that, it meant nothing, as it cannot be imagined that the mere form of taking advice, without regarding it, was the process contemplated.

The Governor General replied that he would not make any such stipulation, and could not degrade the character of his office, nor violate his duty by such a surrender of the Prerogative of the Crown.

He appealed to the number of appointments made by him on the recommendation of the Council, or to the members of it in their departmental capacity, and to instances in which he had abstained from conferring appointments on their opponents, as furnishing proofs of the great consideration which he had evinced towards the Council in the distribution of the patronage of the Crown.

He had at the same time objected, as he always had done, to the exclusive distribution of patronage with party views, and maintained the principle, that office ought in every instance to be given to the man best qualified to render efficient service to the State; and where there was no such pre-eminence, he asserted his right to exercise his discretion.

He understood from Messrs. Lafontaine and Baldwin, that their continuance in office depended on his final decision with regard to their demand: and it was agreed that at the Council, to be assembled the next day, the subject should be fully discussed.

He accordingly met the Council on Saturday, convinced that they would resign, as he could not recede from the resolution which he had formed; and the same subject became the principal topic of discussion.

Three or more distinct propositions were made to him, over and over again, sometimes in different terms, but always aiming at the same purpose, which, in his opinion, if accomplished, would have been a virtual surrender, into the hands of the Council, of the Prerogative of the Crown; and on his uniformly replying to these propositions in the negative, his refusal was each time followed by - "then we must resign" - or words to that purport, from one or more of the Council.

After the discussion of this question at so much length, being, as he hitherto conceived, the one on which the resignation of the Council rested, he is astonished at finding that it is now ascribed to an alleged difference of opinion in the theory of Responsible Government.

In the course of the conversations which both on Friday and Saturday, followed the explicit demand by the Council regarding the patronage of the Crown - that demand being based on the construction put by some of the gentlemen on the meaning of Responsible Government - different opinions were elicited on the abstract theory of that still undefined question, as applicable to a Colony: a subject on which considerable difference of opinion is known ever to prevail: but the Governor General, during those conversations, protested against its being supposed that He is practically adverse to the working of the system of Responsible Government, which

has been here established - which he has hitherto pursued without deviation, and to which it is fully his intention to adhere.

The Governor General subscribes entirely to the Resolution of the Legislative Assembly of the 3d Sept. 1841, and considers any other system of Government, but that which recognizes responsibility to the people, and to the responsible Assembly, as impracticable in this Province.

No man is more satisfied that all government exists solely for the benefit of the people, and he appeals confidently to his uniform conduct, here and elsewhere, in support of this assertion.

If, indeed, by Responsible Government the gentlemen of the late Council mean that the Council is to be supreme, and the authority of the Governor a nullity, then he cannot agree with them, and must declare his dissent from that perversion of the acknowledged principle.

But if they mean that Responsible Government as established in this Colony, is to be worked out with an earnest desire to insure success, he must then express his surprise at their arriving at conclusions which he does not consider to be justified by any part of his conduct, and which he conceives his repeated declarations ought to have prevented. Allusion is made in the proposed explanation of the gentlemen of the late Council, to the Governor General having determined to reserve for the consideration of Her Majesty's Government, one of the Bills passed by the two Legislative Houses - that is, the Secret Societies Bill. If there is any part of the functions of the Government in which he is more than in any other, bound to exercise an independent judgement, it must be in giving the Royal assent to Acts of Parliament. With regard to this duty he had special instructions from Her Majesty, to reserve every act of an unusual or extraordinary character. Undoubtedly the Secret Societies Bill answers that description, being unexampled in British Legislation.

The gentlemen of the late Council had his sentiments on it, expressed to them. He told them that it was an arbitrary and unwise measure, and not even calculated to effect the object it had in view.

He had given his consent to its being introduced into Parliament, because he had promised soon after the assumption of the Government, that he would sanction Legislation on the subject as a substitute for Executive measures, which he refused to adopt on account of their prescriptive character, although he deprecated the existence of Societies which led to foment religious and civil discord. The gentlemen of the late Council cannot fail to remember with what pertinacity those measures were pressed on him, and can hardly be unaware what would have followed at that time, if in addition to rejecting the proscriptive measures urged, he had refused to permit any Legislation on the subject. Permission to introduce a Bill cannot be properly assumed as fettering the judgment of the Governor with regard to the Royal assent, for much may happen during the passage of the Bill thro' the Legislature to influence his decision. In this case the Bill was strongly opposed and reprobated in the Assembly, but when it went to the Legislative Council, many of the members had acceded, and it did not come up from that House with the advantage of having been passed in a full meeting.

Taking these circumstances into consideration, together with the precise instructions of Her Majesty, and the uncertainty of Her Majesty's allowing such a Bill to go into operation, the Governor General considered it to be his duty to reserve it for Her Majesty's consideration, as it was much better that it should not go into operation until confirmed by Her Majesty's Government, than that it should be discontinued after its operation had commenced.

In conclusion, the Governor General protests against the explanation which those gentlemen propose to offer to Parliament, as omitting entirely the actual and prominent circumstances which led to their resignation: and as conveying to Parliament a misapprehension of his sentiments and intentions, which has no foundation in any part of his conduct, unless his refusal to make a virtual surrender of the Prerogative of the Crown to the Council, for party purposes, and his anxiety to do justice to those who were injured by the arrangements attending the Union, can be regarded as warranting a representation which is calculated to injure him without just cause, in the opinion of the Parliament and the people, on whose confidence he places his sole reliance for the successful administration of the Government.

Government House, 15
November 28th, 1843.

Mr. Daly having finished reading the foregoing, made a few remarks, but they were inaudible.¹⁶

L'hon. M. HINCKS s'est levé ensuite pour ajouter aux explications de son hon. et savant ami le membre pour Rimouski; il sait que le moment n'est pas arrivé d'engager le débat sur la question; aussi ne veut-il qu'ajouter très peu de chose aux explications déjà données.¹⁷

Ici M. BOULTON l'interrompt et fait une longue digression sur la question d'ordre.¹⁸

M. HINCKS reprenait (sic) dit qu'on doit leur donner l'occasion de s'expliquer.¹⁹

On remarque une vive agitation de la part de M. VIGER et ((M.)) BOULTON.²⁰

Partout de toutes parts ((viennent)) les cris de: "Ecoutez-le! écoutez-le!"²¹

M. HINCKS ((continue)): Il existait une différence réelle entre le chef de l'exécutif et ses ministres, ceux-ci prétendant au droit d'être consultés sur tous les actes du gouvernement et qui étaient regardés comme ceux de l'administration, et celui-là nie ce droit et s'y opposait d'une manière non seulement formelle, mais calculée de manière à blesser leurs sentiments d'hommes d'état. Cependant nous ne voulions pas

empêcher Son Excellence d'exercer librement la prérogative royale, nous voulions seulement qu'il ne l'exerçât pas sans nous consulter. L'honorable membre pour Mégantic (M. Daly) pourrait ... mais je m'aperçois qu'il n'est déjà plus à sa place, cela me paraît très extraordinaire²².

L'hon. M. VIGER se lève de nouveau dans une extrême agitation, et interrompt M. Hincks; il dit qu'il n'est pas dans l'ordre.²³

M. HINCKS dit qu'il doit lui être permis d'expliquer des faits cités dans les discours lus par l'honorable membre pour Mégantic, à la lecture desquels on n'a pas essayé de s'opposer.²⁴

M. BOULTON interrompt de nouveau en criant à l'ordre.²⁵

Cela entraîne une longue et vive discussion sur la question d'ordre.²⁶

The Speaker ((MR. CUVILLIER)) decided that it was not a debatable matter, an explanation having been given by one of the members of the late cabinet, which according to the usage of the British Parliament was deemed sufficient.²⁷

M. PRICE, donne avis que demain il fera motion pour que la Chambre prenne l'état du pays en considération, ce qui est agréé à l'unanimité et met fin à la discussion.²⁸

(175)

Resignation of
Ex. Council.

*Resolved, That an humble address be presented to
His Excellency, the Governor General, praying
(176)*

that His Excellency will be pleased to cause to be laid before this House copies of all communications that have passed between His Excellency and those Members of the late Executive Council, who have tendered him their resignations, on the subject of those resignations.

Ordered, That Sir Allan N. MacNab, Mr. Murray, Mr. Forbes, and Mr.

Boswell, do present the said address to His Excellency, the Governor General.

Abolition of
Imprisonment
for Debt.

Mr. Roblin from the Committee of the whole House on the Bill to abolish imprisonment on Execution for debt, and for the punishment of fraudulent Debtors, reported, according to order, the

amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Niagara Bank.

Mr. Thorburn from the Committee of the whole House on the Bill, to amend the Act incorporating the Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the Stock of the said Bank, with an Instruction to take into consideration the expediency of repealing the

clause requiring security to double the amount of the Stock paid in, reported, according to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Registration
Lower Canada.

Mr. Forbes from the Committee of the whole House on the Bill, to amend the Ordinance providing for the Registration of Titles to Real Property or Incumbrances thereon, in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims, reported, according to order, the amendments made by the Committee to the said Bill; which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Niagara Market.

The Order of the day for the second reading of the Bill, for vesting the Market Block in the Town of Niagara in the Council of the said Town, and for other purposes, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Industrial
Farm.

The Order of the Day for the second reading of the Bill, to authorize the Court of Wardens for the County of York, or the Mayor, Aldermen, and Commonalty of the City of Toronto, to purchase an Industrial Farm in the neighborhood thereof, and for other purposes relating thereto, being read,

The said Bill was accordingly read and committed to a Committee of the whole House, tomorrow.

Powers to
Seigniors of
certain Fiefs.

The Order of the Day for the second reading of the Bill, to empower the Seigniors of the Fiefs, Nazareth, St. Augustin, and St. Joseph, in the City and County of Montreal, to commute the Tenure of the Lands now held en censive in the said Fiefs respectively, being read,

The said Bill was accordingly read, and ordered to be engrossed.

To facilitate
proof of laws.

The Order of the Day for the House in Committee on the Bill, to facilitate the proof of the Laws of Upper and Lower Canada, and to declare Protests of Notaries Public Evidence in certain cases in Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Hale took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Hale reported that the Committee had gone through the Bill,

and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.
Ordered, That the Report be received tomorrow.

N. A. Colonial Association of Ireland.

The Order of the Day for the House in Committee on the Bill, to give further powers to the North American Colonial Association of Ireland, being read,

Resolved, That this House will, on Friday next, resolve itself into the said Committee.

U. C. Trust & Loan Company.

The Order of the Day for the House in Committee on the Bill for incorporating and granting certain powers to the Upper Canada Trust and Loan Company, being read,

Resolved, That this House will, on Friday next, resolve itself into the said Committee.

Church Society.

The Order of the Day for the House in Committee on the Bill, to incorporate the Church Society of the Diocese of Quebec, being read,

The House accordingly resolved itself into the said Committee.

Mr. Thorburn took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Thorburn reported that the Committee had gone through the Bill, without making any amendment thereto; and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Isle Bizarre.

The Order of the Day for the House in Committee on the Bill, to detach Isle Bizarre from the County of Two Mountains, and to annex it to the County of Montreal, being read,

The House accordingly resolved itself into the said Committee.

Mr. Stewart took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Stewart reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Administration of Justice, Lower Canada.

The Order of the day for taking into consideration the fourth amendment made by the Legislative Council to the Bill, intituled "An Act to amend the Law relative to the Administration of Justice in Lower Canada," being read,

Ordered, That the said order of the day be postponed to this day three months.

Contingencies.

The Order of the day for the House in Committee on the fourth Report of the Standing Committee of Contingencies, being read,

The House accordingly resolved itself into the said Committee.

Mr. Leslie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Leslie reported that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Then on motion of Mr. DeWitt, seconded by Mr. Thorburn,
The House adjourned.

FOOTNOTES - 29 NOVEMBER 1843.

1. "This measure brought forward by the hon. member, to avoid the privileges of the house from being interfered with by the amendments introduced by the Legislative Council into the former bill, went rapidly through the preliminary stages, and was ordered to be engrossed forthwith." BRITISH COLONIST, 5 December 1843. This was reported in: MONTREAL GAZETTE, 5 December 1843, and in BRITISH COLONIST, 5 December 1843, in identical accounts.
2. This was reported in identical accounts in: BRITISH COLONIST, 5 December 1843, and MONTREAL GAZETTE, 5 December 1843.
3. BRITISH COLONIST, 5 December 1843.
4. The debate on this matter was reported in: BRITISH COLONIST, 5 December 1843; MONTREAL GAZETTE, 5 December 1843, in an edited version of BRITISH COLONIST, 5 December 1843; LA MINERVE, 4, 7 December 1843; LE JOURNAL DE QUEBEC, 5 December 1843, and LE CANADIEN, 6 December 1843, both copying QUEBEC GAZETTE; LE CANADIEN, 11 December 1843; and KINGSTON CHRONICLE, 2 December 1843, copied by EXAMINER, 6 December 1843. Commentaries are found in LE CANADIEN, 4, 6 December 1843. According to QUEBEC GAZETTE, cited by both JOURNAL DE QUEBEC, 5 December 1843, and LE CANADIEN, 6 December 1843, this debate lasted about three hours.
5. KINGSTON CHRONICLE, 2 December 1843.
6. LA MINERVE, 4 December 1843.
7. KINGSTON CHRONICLE, 2 December 1843.
8. LA MINERVE, 4 December 1843.
9. KINGSTON CHRONICLE, 2 December 1843.
10. LA MINERVE, 4 December 1843.
11. LE CANADIEN, 6 December 1843.
12. KINGSTON CHRONICLE, 2 December 1843.
13. BRITISH COLONIST, 5 December 1843.
14. KINGSTON CHRONICLE, 2 December 1843.
15. IBID.
16. BRITISH COLONIST, 5 December 1843.
17. LA MINERVE, 4 December 1843.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. BRITISH COLONIST, 5 December 1843.
28. LA MINERVE, 4 December 1843.

THURSDAY, 30 NOVEMBER 1843.

(177)

Two Petitions
brought up.

THE following Petitions were severally brought up, and laid on the Table:--

By Mr. Cameron--The Petition of James Hodgins and others, Inhabitants of the Township of Bidulph, in the District of Huron; and the Petition of George McLeod and others, Inhabitants of the Township of Stephen, in the District of Huron.

Administration
of Justice.
L. Canada.

An engrossed Bill, to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the administration of Justice in Lower Canada, was read for the third time.

Resolved, That the Bill do pass,

Ordered, That Mr. Christie do carry the said Bill to the Legislative Council, and desire their concurrence.

Registration
L. Canada.

An engrossed Bill, to amend the Ordinance, providing for the registration of Titles, to Real Property or Incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Jones do carry the said Bill to the Legislative Council, and desire their concurrence.

Abolition of
Imprisonment
for debt.

An engrossed Bill, to abolish imprisonment in Execution for Debt, and for the punishment of fraudulent Debtors, was read for the third time.

Resolved, That the Bill do pass, and the title be

"An Act to abolish imprisonment in Execution for debt, and for other purposes therein mentioned."

Ordered, That the Honourable Mr. Boulton, do carry the said Bill to the Legislative Council, and desire their concurrence.

Market, Niagara.

An Engrossed Bill for vesting the Market Block in the Town of Niagara, in the Council of the said Town, and for other purposes, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Boulton do carry the said Bill to the Legislative Council, and desire their concurrence.

Isle Bizarre.

An Engrossed Bill to detach Isle Bizarre from the County of the Two Mountains, and to annex it to the County of Montreal, was read for the third time.

Resolved, That the Bill do pass, and the Title be "An Act to detach

Isle Bizarre from the Registration District of the Lake of the Two Mountains, and to annex it to the Island and County of Montreal,

for the purposes of Registration."

Ordered, That Mr. Jobin do carry the said Bill to the Legislative Council, and desire their concurrence.

Church
Society Quebec.

An Engrossed Bill to incorporate the Church Society of the Diocese of Quebec, was read for the third time.

Resolved, That the Bill do pass, and the Title be "An Act to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto."

Ordered, That Mr. Hale do carry the said Bill to the Legislative Council, and desire their concurrence.

Seigniors of
certain Fiefs.

An Engrossed Bill to empower the Seigniors of the Fiefs Nazareth, St. Augustin, and St. Joseph, in the City and County of Montreal, to commute the tenure of the Lands now held en censive in the said Fiefs respectively, being read,

Ordered, That the Proviso at the end of the said Bill be struck out.

Ordered, That the said Bill, as amended, be engrossed.

The said Engrossed Bill, as amended, was then read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. De Witt do carry the said Bill to the Legislative Council, and desire their concurrence.

Niagara Bank.

An Engrossed Bill to amend the Act incorporating the Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the Stock of the said Bank, being read,

Ordered, That the words "and exclusive thereof," in the forty-sixth line of the first Press, be struck out.

Ordered, That the said Bill, as amended, be engrossed.

The said Engrossed Bill, as amended, was then read for the third time,

Resolved, That the Bill do pass.

Ordered, That Mr. Merritt do carry the said Bill to the Legislative Council, and desire their concurrence.

Resignation of
Ex. Council.

Sir Allan N. MacNab, accompanied by the other Messengers, reported to the House that their Address of yesterday to His Excellency, the Governor

General, praying that His Excellency will be pleased to cause to be laid before this House copies of all communications that have passed between His Excellency and those Members of the late Executive Council, who have tendered him their resignations, on the subject of those resignations, had been presented to His Excellency, and that he was pleased to say, he will send an answer by Message.

Petitions read.

Pursuant to the Order of the Day, the following
Petitions were read:--

Of the Board of Trade of the City of Toronto; praying for the passing
of an Insolvent Debtor's Act.

Of Robert Fleming Gourlay; praying for the redress of certain personal
grievances.

Petitions
referred.

Ordered, That the Petition of the Reverend H.
Essex and others, the Committee of the man-
agement of the Temporalities of St. Gabriel
Street Church, Montreal, presented to the House on the twenty-seventh
instant, be referred to the Special Committee to which was referred the
Bill to provide for the management of the Presbyterian Church of Canada
in connexion with the Church of Scotland, and other References.

Municipal
Council Niagara.

Ordered, That the Petition of the Municipal Coun-
cil of the District of Niagara, praying that
the site of the District Town be placed at
the village of Port Robinson, be referred to the Select Committee to
which was referred the Petition of John Harris and others, inhabitants
of Grimsby, and other Townships, in the District of Niagara, and other
References.

Ordered, That the said Committee have leave to report by Bill or otherwise.

R. F. Gourlay.

Resolved, That the Petition of Robert Fleming
Gourlay, be referred to a Special Committee,
composed of Mr. Wakefield, the Honourable Mr. Neilson, the Honourable
Mr. Morin, Mr. Simpson, Mr. Prince, Mr. Thorburn, and Mr. Dunlop, to
examine the contents thereof, and to report thereon with all convenient

(178)

speed, with power to send for persons, papers, and records.

John DeCow,
and others.

Ordered, That the Petition of John DeCow and others,
Inhabitants of the County of Haldimand,
presented to the House on the twenty seventh
instant, be referred to the Select Committee, to which was referred the
Petition of John Harris and others, Inhabitants of Grimsby and other
Townships, in the District of Niagara and other References.

Board of
Trade Toronto.

Ordered, That the Petition of the Board of Trade
of the City of Toronto, relating to Insolvent
Debtors, be referred to the Select Committee
to which was referred the engrossed Bill from the Legislative Council,
intituled, "An Act to repeal an Ordinance of Lower Canada, intituled,
"An Ordinance concerning Bankrupts and the administration and distribution

of their Estates and Effects," and to make provision for the same object throughout the Province of Canada."

Mr. Killaly The Honourable Hamilton Hartly Killaly, rose
vacates his Seat. in his place, and informed Mr. Speaker and the
House, that it was his intention to vacate his
Seat as a Member of this House, for the town of London, and that in
consequence of the Provisions of the Act of the 4th and 5th Victoria
Cap. 4, he now vacated his Seat accordingly.

Study of Mr. Simpson from the Special Committee to
Anatomy. which was referred the Bill, to regulate and facili-
tate the Study of Anatomy, reported that the
Committee had gone through the Bill and had made several amendments
thereto, which amendments were again read at the Clerk's table.
Resolved, That the said Bill and Report be committed to a Committee of
the whole House, tomorrow.

Lower Canada Ordered, That the Special Committee appointed to
Elections. investigate and report on the outrages alleged
to have been committed at the General Election,
in the Counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly,
and Rouville, have power to report from time to time.

The Honourable Mr. Neilson from the Special Committee appointed to
investigate and report on the outrages alleged to have been committed
at the General Election, in the Counties of Terrebonne, Montreal,
Vaudreuil, Beauharnois, Chambly, and Rouville, with power to report from
time to time, presented to the House the first Report of the said
Committee, which was again read at the Clerk's table.

(For the said Report see Appendix JJ.)

Ordered, That the said Report and the evidence accompanying the same,
be printed for the use of the Members of this House.

Resolved, That in the event of a prorogation of the present Session of
the Legislature, before the aforesaid investigation can be brought
to a close, and the House has pronounced its decision thereon, this
House will continue the investigation and decide thereon at the next
ensuing Session, in such manner as may be consistent with the facts,
its privileges, the freedom of Election, and the rights and liberties
of British subjects, as declared and established by the fundamental
Laws of the Monarchy.

Registry Laws, Mr. Prince from the Select Committee to which
Upper Canada. was referred the Bill, to alter and amend the
Registry Laws of that part of this Province, which
was formerly Upper Canada, reported that the Committee had gone through
the Bill, and had made several amendments thereto, which amendments were
again read at the Clerk's table.

Resolved, That the said Bill and Report be committed to a Committee of the whole House, tomorrow.

Boundary Line Commissioners.

Ordered, That Mr. Thorburn have leave to bring in a Bill, to afford to persons having been Boundary Line Commissioners, a more easy and less expensive mode of recovering costs still due on Judgments by them rendered in that capacity.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time on Monday next.

Religious Societies Lands.

On a motion of Mr. Williams, seconded by the Honourable Mr. Boulton,

Ordered, That the question of concurrence be now separately put upon each of the Reasons prepared and reported by the Select Committee, appointed to draw up the said Reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the amendments made by their Honours to the Bill, intituled "An Act to enable Religious Societies of all Denominations of Christians (in that part of the Province called Upper Canada,) to hold the lands requisite for certain purposes therein mentioned."

The said Reasons being severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

On motion of Mr. Hamilton, seconded by Mr. George Sherwood.

Independence of Legislative Council.

Ordered, That the engrossed Bill from the Legislative Council, intituled "An Act for the better securing the Independence of the Legislative Council of this Province," be read a second time tomorrow.

To facilitate proof of Laws.

Mr. Hale from the Committee of the whole House on the Bill, to facilitate the proof of the Laws of Upper and Lower Canada, and to declare

Protest of Notaries Public, Evidence in certain cases in Upper Canada, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table.

Ordered, That the question of concurrence be now separately put upon each of the said amendments.

And the said amendments being again severally read, and the question of concurrence being separately put upon each, they were unanimously disagreed to by the House.

Ordered, That the said Bill be engrossed.

MR. HALE asked for leave to bring in a bill to continue the Act for the imposition of duties on all American produce coming into this

Province.¹ The provisions of the Act passed this Session are in force only until January, it having been the intention of the government to embody them in the Customs Bill; but from what had recently occurred, he supposed that bill would not be brought forward, and he therefore submitted the present motion, which he had no doubt would receive the unanimous assent of the House.²

MR SIMPSON opposed the motion: it was one for the imposition of new duties, new burdens on the people, and the mode of proceeding of the hon. gentleman was at least irregular.³

MR H. SMITH, jr., said the bill was one which had given universal satisfaction to the country, and one which would do lasting honor to the late administration; it had been much required by the country, and he rejoiced that it had become law. Under the present circumstances, he would vote for the carrying out of the intention of the administration on introducing that bill, to continue its operation.⁴

MR HALE said it was a bill to continue an Act which had already received the sanction of the House, but which, from peculiar circumstances with which they were all acquainted would expire in a few weeks.⁵

MR CHILD said the measure had so recently received the sanction of the Governor General, that he did not see how its continuance could be objected to on any ground.⁶

MR NEILSON said the motion was one for continuing a burthen imposed on the people, and the course pursued by the hon. member for Sherbrooke was unparliamentary and irregular. The House should go into committee of the whole to consider the expediency of continuing the law.⁷

MR HINCKS explained why the bill was put in operation for so short a period. It was intended to include it in the Revenue bill when it should come before the House, making an uniform law. It was better, however, to go into committee of the whole - that was the proper way.⁸

MR HALE contended that the bill he wished to introduce created no new burdens - it merely carried out the intent of bringing in the measure it was designed to continue.⁹

SIR ALLAN MACNAB said they could not go on in the way proposed - the matter must be referred to a committee of the whole.¹⁰

MR SMALL contended that the bill imposed no burdens upon the people - it only imposed duties on foreign produce. (Laughter.)¹¹

MR PRICE disagreed with his hon. friend; it was undoubtedly a tax, but it was one necessarily imposed for the protection of the agriculturists of the country. (Hear.)¹²

MR BALDWIN agreed to the necessity of the bill proposed to be submitted to the House by the hon. member for Sherbrooke, but he thought his mode of proceeding was informal. It was necessary to go into committee of the whole to authorise the proceeding.¹³

MR HALE, on leave of the House, withdrew the motion, and then moved that the House resolve itself into committee of the whole.¹⁴

((This)) was carried on a division - Yeas, 58 - Nays, 11.¹⁵

The House resolved itself into committee of the whole accordingly.¹⁶

MR. AYLWIN moved that the chairman leave the chair, and ask leave to sit again.¹⁷

The motion was lost.¹⁸

MR. HALE moved that in the opinion of the committee it is expedient to continue an act passed during the present session, imposing duties on foreign products coming into this country.¹⁹

This motion was carried²⁰.

(178)

Duties on
agricultural
Produce.

Mr. Barthe from the Committee of the whole House to consider the expediency of further continuing an Act, passed during the present Session to impose Duties on Agricultural Products imported into this Province, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That it is expedient to continue further for a limited time, a certain Act passed during the present Session, intituled "An Act to impose Duties on Agricultural Products and Live Stock imported into this Province."

Ordered, That Mr. Hale have leave to bring in a Bill, to continue further for a limited time, a certain Act passed during the present Session, intituled, "An Act to impose Duties on Agricultural Products and Live Stock imported into this Province".

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

(179)

Ordered, That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

Mr. Hale moved, seconded by Mr. Moore, that the said Bill be engrossed.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative and,

Ordered, Accordingly.

Contingencies.

Mr. Leslie, from the Committee of the whole House on the fourth Report of the Standing Committee of Contingencies, reported, according to order, the Resolutions of the said Committee, which Resolutions were again read at the Clerk's table, and are as followeth:--

1. Resolved, As the opinion of this Committee, that the Order of this House of the eighth September, 1841, authorising the Honourable the Speaker, to direct the Clerk to make advances out of the Contingent Funds on account of expenses incurred in forming Indices to the Journals of the Houses of Assembly, of the late Provinces of Lower and Upper Canada, be rescinded.
2. Resolved, As the opinion of this Committee, that the said Indices be prosecuted to completion, by Alfred Todd and Alpheus Todd, and that the same in Manuscript, when completed, be neatly bound and deposited in the Library of this House, for reference, in accordance with the recommendation of the Standing Committee of Contingencies.
3. Resolved, That Alfred Todd and Alpheus Todd be paid for their past services in preparing the said Indices: at the rate of fifteen shillings, each, per diem, for the days actually employed, up to the opening of the present Session, and that the said Alfred Todd be allowed for the future a salary of two hundred pounds per annum, as a Junior Clerk.
4. Resolved, As the opinion of this Committee, that the Assistant Librarian, Alpheus Todd, be employed by the Clerk of this House as a Clerk in his office during the Recess, and that his salary be two hundred pounds, per annum, from the commencement of the present Session.
5. Resolved As the opinion of this Committee, that by the eighty-ninth Rule, the hours of attendance are defined, and that no charges for extra hours be allowed to be made by any person employed by, or who are in attendance on the same, after the present Session.
6. Resolved, As the opinion of this Committee, that the Order of this House which provides that the Extra Writers in the service thereof, be paid at the rate of ten shillings per day of six hours, be rescinded after the present Session, and that they in future be paid the sum of fifteen shillings, per diem, for their services during the Session, and ten shillings, per diem, for any time their services may be required during the recess--and that any temporary Writers occasionally employed be paid at the rate of ten shillings, per diem.
7. Resolved, As the opinion of this Committee, that the maximum allowance to any temporary Clerks shall not, after the present Session, exceed ten shillings per diem; and that no extra Clerk employed by the Clerk of this House, shall at any Session of Parliament be considered as in such employ or receive any allowance, per diem, until he shall have been called upon by the Clerk or by such Officer of the House as the said Clerk shall

- authorise, to appear and attend to his duty as such extra Clerk.
8. Resolved, As the opinion of this Committee, that two additional Clerks be employed in the Clerk's Office, viz: Jean Baptiste Moraud and Thaddeus Patrick, at a Salary of one hundred and fifty pounds, per annum, each, from the close of the present Session.
 9. Resolved, As the opinion of this Committee, that the Clerk of this House do pay all witnesses, summoned before any Committee of this House, five shillings, per diem, for every day's attendance, and five shillings for every twenty miles' travel.

Ordered, That the question of concurrence be now separately put upon each of the said Resolutions.

And the first to the eighth of the said Resolutions being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

The Ninth and last of the said Resolutions being again read.

Mr. Thorburn moved in amendment, seconded by Mr. Roblin, That all the words after "That" in the said Resolution be struck out and the following substituted, "the Clerk of this House be authorised to pay out of the Contingent Fund to Witnesses summoned to attend before any Select Committee of the House, the sum of ten shillings per diem, during their attendance, and a reasonable allowance for travelling expenses, upon any certificate or order of the Chairman of the Committee, before which such witnesses have been summoned."

The question having been put upon the motion of amendment, a division ensued and it was carried in the affirmative.

And the said ninth and last Resolution, as amended, being again read, and the question of concurrence being put thereon, it was agreed to by the House.

Chartered Banks.

The Order of the day for the second reading of the Bill, to authorise the Chartered Banks of this Province to open Books in the United Kingdom, for the transfer of their Stock, being read.

The said Bill was accordingly read, and referred to a Select Committee, composed of Mr. Morris, Mr. Leslie, Mr. DeWitt, Mr. Merritt, and Mr. Crane, to report thereon with all convenient speed, with power to send for persons, papers, and records.

Survey of Lands, U. C.

The Order of the day for the House in Committee on the Bill, to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in Upper Canada, being read.

The House accordingly resolved itself into the said Committee.

Mr. Forbes took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Forbes reported that the Committee had gone through the

Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.
Ordered, That the Report be received tomorrow.

Industrial farm. The Order of the Day²¹ for the House in Committee on the Bill, to authorise the Court of Wardens of the County of York, or the Mayor, Aldermen, and Commonalty of the City of Toronto, to purchase an Industrial Farm in the neighborhood thereof, and for other purposes relating thereto, being read,

The House accordingly resolved itself into the said Committee.

Mr. Harmannus Smith took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Harmannus Smith reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House whenever it shall be pleased to receive the same.

(180)

Ordered, That the Report be received tomorrow.

Message from
Leg. Council.

A Message from the Legislative Council, by
John Fennings Taylor, Esquire, one of the Masters
 in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:

Private Stock,
Welland Canal.

"An Act to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by private parties in the Welland Canal."

Tay Navigation
Company.

"An Act to amend the Act incorporating the
Tay Navigation Company."

Chatham Gore.

"An Act to attach the Township of Chatham Gore, otherwise called the Gore of Chatham, from the County of Terrebonne, and to annex it to the County of Two Mountains."

Timber Inspection.

"An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature."

And also,

General Law.

The Legislative Council have passed a Bill, intituled, "An Act to supply by a General Law certain

forms of enactment in certain use, which may render it unnecessary to repeal the same in Acts to be hereafter passed, and for other purposes," to which they desire the concurrence of the Assembly.

And then he withdrew.

An Engrossed Bill from the Legislative Council, intituled, "An Act to supply by a General Law certain forms of enactment in certain use which may render it unnecessary to repeal the same in Acts to be hereafter passed, and for other purposes," was read for the first time.

On motion of the Honourable Mr. Boulton, seconded by Mr. Simpson,
Ordered, That the said Bill be read a second time tomorrow,

Then on motion of Mr. DeWitt, seconded by Mr. Christie,
The House adjourned.

APPENDIX, 30 NOVEMBER 1843.

((NOTICE OF PROPOSED MOTION RE: VOTE OF CREDIT FOR SUPPLIES.))²²

MR. NEILSON gave notice that he would move for a vote of credit for the supplies of the current year, and three months of the ensuing one, - to be accounted for hereafter.²³

MONSIEUR LAFONTAINE demanda à Monsieur Neilson s'il était chargé par le gouverneur de proposer cette mesure.²⁴

MONSIEUR NEILSON répondit que non.²⁵

M. LAFONTAINE profita de cette circonstance (sic) pour dire "qu'on avait fait circuler le bruit que le ministère, afin d'augmenter les embarras du gouvernement, serait opposé à l'octroi des subsides; que ces bruits étaient absolument faux, qu'au contraire lui et ses collègues étaient décidément d'opinion qu'il fallait les accorder." M. La Fontaine alla même plus loin et dit "qu s'il se trouvait un membre en cette Chambre qui fut d'une opinion contraire, il ne considérerait pas ce membre, comme un vrai représentant du peuple."²⁶

((DEFERRED MOTION RE: ENQUIRY INTO THE STATE OF THE COUNTRY.))²⁷

MR. PRICE's motion for an enquiry into the state of the country, is further postponed until to-morrow. The hon. member expressed himself ready to proceed with it, but in deference to the opinions of others, was willing to delay it until His Excellency's message in answer to the address was before the House.²⁸

FOOTNOTES - 30 NOVEMBER 1843.

1. The following debate on Mr. Hale's withdrawn motion is placed within the context of the JOURNALS rather than in the Appendix because the KINGSTON CHRONICLE's report of it clearly establishes that it did occur in that context.

2. KINGSTON CHRONICLE, 9 December 1843.

3. IBID.

4. IBID.

5. IBID.

6. IBID.

7. IBID.

8. IBID.

9. IBID.

10. IBID.

11. IBID.

12. IBID.

13. IBID.

14. IBID.

15. IBID.

16. IBID.

17. IBID.

18. IBID.

19. IBID.

20. IBID.

21. The BRITISH COLONIST, 5 December 1843, and MONTREAL GAZETTE, 5 December 1843, in identical reports, note that this and the following orders of the day were proceeded with, "but with a very thin House."

22. This was reported in identical reports in the BRITISH COLONIST, 5 December 1843, and the MONTREAL GAZETTE, 5 December 1843; LA MINERVE, 7 December 1843, translated from the BRITISH COLONIST and the MONTREAL GAZETTE, 5 December 1843; L'AUORE, 5 December 1843; and LA MINERVE, 4 December 1843.

23. BRITISH COLONIST, 5 December 1843.

24. LA MINERVE, 4 December 1843.

25. IBID.

26. IBID.

27. The following was reported in identical reports in the BRITISH COLONIST, 5 December 1843, and the MONTREAL GAZETTE, 5 December 1843; L'AUORE, 5 December 1843; LA MINERVE, 7 December 1843, translated from the BRITISH COLONIST, and the MONTREAL GAZETTE, 5 December 1843.

28. BRITISH COLONIST, 5 December 1843.

FRIDAY, 1 DECEMBER 1843.

(180)

Adjournment.

ORDERED, That this House, at its rising, do stand adjourned until tomorrow at ten o'clock A.M.

Two Petitions brought up.

The following Petitions were severally brought up, and laid on the Table:--

By Mr. Foster--The Petition of Isaac Helliker, of the Township of Bolton, in the District of Montreal.

By Mr. Morris--The Petition of the Presbyterian Congregation at Smith's Falls.

Duties on agricultural produce.

An engrossed Bill, to continue further for a limited time, a certain Act passed during the present Session, intituled, "An Act to impose duties on Agricultural Produce and Live Stock imported into this Province," was read for the third time.

Mr. Hale moved, seconded by Mr. J. S. Macdonald, that the Bill do pass and the Title be, "An Act to continue for a limited time the Duties imposed on Agricultural Produce and Live Stock, imported into this Province."

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BOUTILLIER, BEAUBIEN, CAMERON, CHABOT, CHILD, CHRISTIE, DEWITT, DURAND, FOSTER, GILCHRIST, HALE, HINCKS, HOLMES, HOPKINS, JOBIN, JONES, LACOSTE, LAFONTAINE, J.S. McDONALD, MORIN, MORRIS, MURNEY, PAPINEAU, PRICE, QUESNEL, ROBLIN, HENRY SMITH, HARMANNUS SMITH, TACHE, THOMPSON, THORBURN, and WILLIAMS.--(35.)

NAYS.

Messieurs HAMILTON, LESLIE, NEILSON, SIMPSON, D.B. VIGER, and L.M. VIGER.--(6.)

So it was carried in the affirmative, and Resolved, Accordingly.

Ordered, That Mr. Hale do carry the said Bill to the Legislative Council, and desire their concurrence.

Proof of Law by Notaries Public.

An engrossed Bill, to facilitate the proof of the Laws of Upper and Lower Canada, and to declare Protests of Notaries Public, Evidence in certain cases in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. George Sherwood, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following
Petitions were read:--

Of the Members of the Bar of Lower Canada resident in the District of Quebec, praying for certain amendments to the Bill of Judicature for Lower Canada, now before the House.

Of John Young, on behalf of himself and other sufferers, by the fall of the Cape Rock at Quebec; praying indemnification for the loss sustained by them in consequence of the said accident.

Of William Kerroott and others, Inhabitants of the Village of Caledonia, and other places in Canada West; praying that the Indian Surrender adjoining the said Village, be parcelled into Farm Lots of five or ten acres each.

Of Charles Smith and others, Freeholders of the Village of Dundas, in the District of Gore; praying that the said Village be included in the List of Towns to enjoy the benefits of the Municipal Corporation Bill now before the Legislature.

Message from
His Excl'y. the
Gov. General.

Rawson W. Rawson, Esquire, Chief Secretary to His Excellency, the Governor General, was admitted within the Bar, and delivered to Mr. Speaker three Messages from His Excellency, the Governor General, signed by His Excellency.

And then he withdrew.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. Metcalfe.

Advance for
necessary ex-
penses of Gov't.

The Governor General submits to the House of Assembly, that in order to enable Her Majesty to meet the necessary and indispensable expenses of the Government of this Province from the first of January to the thirty first day of March, 1844, not otherwise provided for, there be advanced a sum of twenty five thousand pounds, Sterling, to be accounted for in detail at the opening of the ensuing Session of the Legislature.

Government House,
Kingston, 1st December, 1843.

C. T. Metcalfe.

(181)

Supplementary
Estimate.

The Governor General recommends to the House of Assembly, the accompanying Supplementary Estimate of sums required for the service of the present year.

Government House,
Kingston, 1st December, 1843.

Supplementary Estimate of certain Items of Expenses of the Civil Government of the Province of Canada for the year 1843, for which a Supply is required.

	Sterling.		
	£	s.	d.
Expenses likely to be incurred in the Survey of the Boundary line, between this Province and New Brunswick.....	450	0	0
Expenses likely to be incurred, attending the Commission of Enquiry into the Riots at the Beauharnois Canal.....	181	14	11
Expenses likely to be incurred for Transport of Troops on the same occasion..	135	8	1
Expenses of Doctor J. B. Meilleur, as Assistant Superintendent of Education in 1842.....	90	14	9
Further, towards liquidating the claims of <u>Upper Canada</u> , for services rendered previous to the Union of the Provinces.....	50	0	0
Contingencies of the Legislative Council, over and above the amount in the General Estimate.....	500	0	0
Total amount Sterling.....	£1407	17	9

Inspector General's Office,
Kingston, 1st. December, 1843.

Jos. Cary.
Deputy Inspector General.

C. T. Metcalfe.

Communication
on resignation
of Executive
Council.

The GOVERNOR GENERAL transmits to the Legislative Assembly, in reply to their Address of yesterday's date, Copies of all communications that have passed between him, and those Members of the late Executive Council who have tendered their resignation, on the subject of those resignations,

Government House,
Kingston, 30th November, 1843.

Mr. Lafontaine, in compliance with the request of the Governor General, and in behalf of himself and his late colleagues, who have felt it to be their duty to tender a resignation of office, states, for His Excellency's

information, the substance of the explanation which they propose to offer in their places in Parliament.

They have avowedly taken Office upon the principle of responsibility to the Representatives of the People in Parliament, and with a full recognition on their parts of the following resolutions, introduced into the Legislative Assembly with the knowledge and sanction of Her Majesty's Representative in this Province, on the 3d September, 1841.

"That the head of the Executive Government of the Province, being within the limits of his Government the Representative of the Sovereign, is responsible to the Imperial authority alone, but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information of subordinate officers in the Province," and, "that in order to preserve between the different branches of the Provincial Parliament that harmony, which is essential to the peace, welfare, and good government of the Province, the chief advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the People, thus affording a guarantee that the well understood wishes and interests of the People, which Our Gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated."

They have lately understood that His Excellency took a widely different view of the position, duties and responsibilities of the Executive Council, from that under which they accepted office, and through which they have been enabled to conduct the Parliamentary business of the Government, sustained by a large majority of the Popular branch of the Legislature.

Had the difference of opinion between His Excellency and themselves, and, as they have reason to believe, between His Excellency and the Parliament and People of Canada generally, been merely theoretical, the Members of the late Executive Council might, and would, have felt it to be their duty to avoid any possibility of collision, which might have a tendency to disturb the tranquil and amicable relations which apparently subsisted between the Executive Government and the Provincial Parliament. But that difference of opinion has led not merely to appointments to office against their advice, but to appointments, and proposals to make appointments, of which they were not informed in any manner, until all opportunity of offering advice respecting them had passed by, and to a determination on the part of His Excellency to reserve for the expression of Her Majesty's Pleasure thereon a Bill, introduced into the Provincial Parliament with His Excellency's knowledge and consent as a Government measure, without an opportunity being given to the Members of the Executive Council to state the probability of such a reservation. They therefore felt themselves in the anomalous position of being, according to their own avowals and solemn public pledges, responsible for all the acts of the Executive Government to Parliament, and at the same time not only without the opportunity of offering advice respecting these Acts, but without the knowledge of their existence, until informed of them from private and unofficial sources.

When the Members of the late Executive Council offered their humble remonstrances to His Excellency on this condition of public affairs, His

Excellency not only frankly explained the difference of opinion existing between him and the Council, but stated that from the time of his arrival in the country he had observed an antagonism between him and them on the subject, and notwithstanding that the Members of Council repeatedly and distinctly explained to His Excellency, that they considered him free to act contrary to their advice, and only claimed an opportunity of giving such advice, and of knowing, before others, His Excellency's intentions, His Excellency did not in any manner remove the impression left upon their minds by his avowal, that there was an antagonism between him and them, and a want of that cordiality and confidence, which would enable them, in their respective stations, to carry on public business to the satisfaction of His Excellency or of the Country.

The want of this cordiality and confidence had already become a matter of public rumour; and public opinion not only extended it to acts, upon which there were apparent grounds for difference of opinion, but to all measures of Government involving political principles. His Excellency, on the one hand, was supposed to be coerced by his Council into a course

(182)

of policy which he did not approve of, and the Council were made liable to the accusation of assuming the tone and position of Responsible Advisers of the Government, without in fact, asserting the right of being consulted thereupon.

While His Excellency disavowed any intention of altering the course of administration of public affairs which he found on his arrival in Canada, he did not disguise his opinion that these affairs would be more satisfactorily managed by and through the Governor himself, without any necessity of concord amongst the Members of the Executive Council, or obligation on their part to defend, or support in Parliament the Acts of the Governor. To this opinion of His Excellency, as one of theory, the Members of the Executive Council might not have objected; but when, on Saturday last, they discovered that it was the real ground of all their differences with His Excellency, and of the want of confidence and cordiality between His Excellency and the Council since his arrival, they felt it impossible to continue to serve Her Majesty as Executive Counsellors for the affairs of this Province, consistently with their duty to Her Majesty, or to His Excellency, or with their public and often repeated pledges in the Provincial Parliament, if His Excellency should see fit to act upon his opinion of their functions and responsibilities.

Daly's Hotel,
27th November, 1843. }

The Governor General observes with regret, in the explanation which the Gentlemen who have resigned their Seats in the Executive Council, propose to offer in their places in Parliament, a total omission of the circumstances which he regards as forming the real grounds of their resignation; and as this omission may have proceeded from their not considering themselves

at liberty to disclose those circumstances, it becomes necessary that he should state them.

On Friday, Mr. Lafontaine and Mr. Baldwin came to the Government House, and after some other matters of business, and some preliminary remarks as to the cause of their proceeding, demanded of the Governor General that he should agree to make no appointment, and no offer of an appointment, without previously taking the advice of the Council; that the lists of Candidates should, in every instance, be laid before the Council; that they should recommend any others at discretion, and that the Governor General, in deciding after taking their advice, should not make any appointment prejudicial to their influence. In other words, that the patronage of the Crown should be surrendered to the Council for the purchase of Parliamentary support; for, if the demand did not mean that, it meant nothing, as it cannot be imagined that the mere form of taking advice without regarding it was the process contemplated.

The Governor General replied, that he would not make any such stipulation, and could not degrade the character of his office, nor violate his duty, by such a surrender of the Prerogative of the Crown.

He appealed to the number of appointments made by him on the recommendation of the Council, or the members of it in their departmental capacity, and to instances in which he had abstained from conferring appointments on their opponents, as furnishing proofs of the great consideration which he had evinced towards the Council, in the distribution of the Patronage of the Crown.

He at the same time objected, as he always had done, to the exclusive distribution of Patronage with party views, and maintained the principle that Office ought, in every instance, to be given to the man best qualified to render efficient service to the State; and where there was no such pre-eminence, he asserted his right to exercise his discretion.

He understood from Messrs. Lafontaine and Baldwin, that their continuance in office depended on his final decision with regard to their demand; and it was agreed that at the Council to be assembled the next day, that subject should be fully discussed.

He accordingly met the Council on Saturday, convinced that they would resign, as he could not recede from the resolution which he had formed, and same subject became the principal topic of discussion.

Three or more distinct propositions were made to him, over and over again, sometimes in different terms, but always aiming at the same purpose, which, in his opinion, if accomplished, would have been a virtual surrender into the hands of the Council of the Prerogative of the Crown; and on his uniformly replying to those propositions in the negative, his refusal was each time followed by "then we must resign," or words to that purport from one or more of the Council.

After the discussion of this question at so much length, being, as he has hitherto conceived, the one on which the resignation of the Council rested, he is astonished at finding that it is now ascribed to an alleged difference of opinion on the theory of Responsible Government.

In the course of the conversations which, both on Friday and Saturday, followed the explicit demand made by the Council regarding the Patronage

of the Crown, that demand being based on the construction put by some of the Gentlemen on the meaning of Responsible Government, different opinions were elicited on the abstract theory of that still undefined question, as applicable to a Colony,--a subject on which considerable difference of opinion is known everywhere to prevail; but the Governor General during those conversations protested against its being supposed, that he is practically adverse to the working of the system of Responsible Government, which has been here established, which he has hitherto pursued without deviation, and to which it is fully his intention to adhere.

The Governor General subscribed entirely to the Resolution of the Legislative Assembly of the 3rd September, 1841, and considers any other system of Government but that which recognises Responsibility to the People and the Representative Assembly, as impracticable in this Province.

No man is more satisfied, that all Government exists solely for the benefit of the people; and he appeals confidently to his uniform conduct here and elsewhere in support of this assertion.

If, indeed, by Responsible Government the Gentlemen of the late Council, mean that the Council is to be Supreme, and the Authority of the Governor a Nullity, then he cannot agree with them, and must declare his dissent from that perversion of the acknowledged principle.

But if they mean that Responsible Government, as established in this Colony, is to be worked out with an earnest desire to ensure success, he must then express his surprise at their arriving at conclusions, which he does not consider to be justified by any part of his conduct, and which he conceives his repeated declarations ought to have prevented.

Allusion is made in the proposed explanation of the Gentlemen of the late Council, to the Governor General's having determined to reserve for the consideration of Her Majesty's Government, one of the Bills passed by the two Legislative Houses. That is the Secret Societies Bill. If there is any part of the functions of the Governor in which he is more than any other bound to exercise an independent judgment, it must be in giving the Royal Assent to Acts of Parliament. With Regard to this duty he has special instructions from Her Majesty to reserve every Act of an unusual or

(183)

extraordinary character. Undoubtedly the Secret Societies Bill answers that description, being unexampled in British Legislation. The Gentlemen of the late Council heard his sentiments on it expressed to them. He told them that it was an arbitrary and unwise measure, and not even calculated to effect the object it had in view. He had given his consent to its being introduced into Parliament, because he had promised soon after his assumption of the Government, that he would sanction Legislation on the subject, as a substitute for Executive Measures, which he refused to adopt on account of their proscriptive character; although he deprecates the existence of Societies which tend to foment Religious and Civil discord. The Gentlemen of the late Council cannot fail to remember with what pertinacity those measures were pressed on him, and can hardly be unaware of what would have followed at that time, if, in addition to rejecting

the proscriptive Measures urged, he had refused to permit any Legislation on the subject.

Permission to introduce a Bill cannot be properly assumed as fettering the judgment of the Governor with regard to the Royal Assent, for much may happen during the passage of the Bill through the Legislature to influence his decision. In this case the Bill was strongly opposed and reprobated in the Assembly, but when it went to the Legislative Council, many of the Members had seceded, and it did not come up from that House with the advantage of having been passed in a full meeting. Taking these circumstances into consideration, together with the precise Instructions of Her Majesty, and the uncertainty of Her Majesty's allowing such a Bill to go into operation; as it was much better that it should not go into operation until confirmed by Her Majesty's Government, than that it should be discontinued after its operation had commenced.

In conclusion, the Governor General protests against the explanation which these Gentlemen propose to offer to Parliament, as omitting entirely the actual and prominent circumstances which led to their resignation and as conveying to Parliament a misapprehension of his sentiments and intentions, which has no foundation in any part of his conduct, unless his refusal to make a virtual surrender of the Prerogative of the Crown to the Council for party purposes, and his anxiety to do justice to those who were injured by the arrangements attending the Union, can be regarded as warranting a representation, which is calculated to injure him, without just cause, in the opinion of the Parliament and the People, on whose confidence he places his sole reliance for the successful administration of the Government.

Government House,
28th November, 1843.

Il est fait motion à l'effet de faire imprimer, à 500 copies, le message de Son Excellence touchant la résignation du ministère.¹

L'Honorable M. LAFONTAINE n'a pas d'objection à ce que cette motion soit agréée, mais que comme lui et ses collègues ont maintenant à subir leur procès devant cette Chambre, il espère que la discussion ne sera pas remise à un autre temps. Ils ont droit de donner toutes explications nécessaires sur leur résignation, et il s'opposera à toute nouvelle motion qui aurait pour but de faire suspendre davantage la discussion sur ce sujet. Le pays tout en entier y est intéressé, et il serait injuste de tromper son attente. D'ailleurs (ajoute l'orateur) il vient d'être distribué aux membres de la Chambre des papiers imprimés relatifs au sujet dont nous avons à nous occuper et auxquels je n'ai pas eu l'occasion de regarder, mais que ces communications sont imparlementaires, et n'ont pas été faites dans les formes usitées.²

SIR ALLAN MACNAB partage l'opinion de l'honorable préopinant quant à la

manière impartementaire dont ces communications ont été données à la Chambre.³

M. LE PRESIDENT ((CUVILLIER)) se excuse de la distribution de ces papiers.⁴

(183)

Ordered, That two thousand copies of the Message of His Excellency, the Governor General, together with the Documents accompanying the same, on the subject of the Resignation of the late Members of the Executive Council, be printed in each of the English and French Languages, for the use of the Members of this House.

Report on Petition of Montreal Corporation.

Mr. Holmes from the Special Committee to which was referred the Petition of the Mayor, Aldermen, and Citizens, of the City of Montreal, presented to the House the Report of the said Committee, which

was again read at the Clerk's table.

(For the said Report see Appendix K. K.)

Fifth Report on Contingencies.

Mr. Thorburn, from the Standing Committee on Contingencies, presented to the House the fifth Report of the said Committee, which was again read

at the Clerk's table, and is as followeth:--

"Your Committee have, after a minute examination of the Estimate referred to in their first Report, for the necessary Disbursements of the present Session and the Recess, (say to thirty first December, 1844) find that the sum estimated, will fall short by the sum of two thousand six hundred and seventy seven pounds, five shillings. They therefore recommend that Your Honourable House would move an humble Address to His Excellency, the Governor General, praying that His Excellency would be pleased to grant his Warrant, in favour of the Clerk of Your Honourable House, for the sum of nine thousand one Hundred and seventy seven pounds, five shillings, which with the sum of five thousand pounds, already received, will be sufficient to complete the service for the period mentioned."

Resolved, That the said Report be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Cameron took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the chair,

And Mr. Cameron reported that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Manure conveyed free from Toll.

The Honourable Mr. Neilson, from the Special Committee to which was referred the Bill, to exempt

vehicles conveying Manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads, reported that the Committee had gone through the Bill, and had made some amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the following clause be added to the said Bill, and do follow the second clause:

"And be it enacted, that no vehicle, laden or unladen, horses or cattle, belonging to the proprietor or occupier of any lands divided by such Turnpike Road, as aforesaid, shall be liable to Toll on passing through any toll gate on such road, (at whatever distance the same may be from any City or Town,) for the sole purpose of going from one part of the Lands of such Proprietor or occupier to another part of the same; provided such vehicle, horses, or cattle, do not proceed more than half a mile along such Turnpike Road, either in going or returning, for farming or domestic purposes only."

Ordered, That the said Bill, as amended, be engrossed.

Salmon Fisheries Gaspé.

Mr. Hamilton from the Special Committee, to which were referred the Entries in the Journals of this House of the 5th October, 1842, relating to the Salmon Fisheries in the Inferior District of Gaspé, with an instruction to continue the Enquiry relative to the said Fisheries, with power to report by Bill or otherwise, presented to the House the Report of the said Committee, which was again read at the Clerk's Table.

(For the said Report see Appendix L. L.)

Resolved, That the said Report be committed to a Committee of the whole House, tomorrow.

Message from Leg. Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery:

Mr. Speaker,

(184)

The Legislative Council have passed the following Bills without any amendment:

Administration of Justice Lower Canada.

"An Act to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the Administration of Justice in Lower Canada."

Boundary Line Cornwall.

"An Act for better defining and establishing the Eastern Boundary line of the third Concession of the Township of Cornwall, in the Eastern District."

Niagara Market.

"An Act for vesting the Market Block in the Town of Niagara, in the Council of the said Town, and for other purposes."

Church Societies, Quebec and Toronto.

"An Act to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto."

Isle Bizarre.

"An Act to detach Isle Bizarre from the Registration District of the Lake of the Two Mountains, and to annex it to the Island and County of Montreal for the purposes of Registration."

Niagara District Bank.

"An Act to amend the Act incorporating the Bank of the Niagara District, by providing for the extension of the time limited for the paying up of the Stock of the said Bank."

Commutation of Tenure by certain Fiefs.

"An Act to empower the Seigniors of the Fiefs Nazareth, St. Augustin and St. Joseph, in the City and County of Montreal to commute the Tenure of the Lands now held en censive, in the said Fiefs, respectively."

Abolition of Imprisonment for debt.

"An Act to abolish imprisonment in execution for Debt, and for other purposes therein mentioned."

Administration of Justice, Gaspé.

"An Act to establish the District of Gaspé and to provide for the due administration of Justice therein."

St. Lawrence Navigation.

"An Act to alter and amend certain parts of an Act therein mentioned, relating to the navigation of the River St. Lawrence, in so far as the same relate to the Port of Quebec."

Registration Low. Canada.

"An Act to amend the Ordinance providing for the Registration of Titles to Real property or incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims."

Duties on Agricultural Produce.

"An Act to continue for a limited time the Duties imposed on Agricultural Produce and Live Stock, imported into this Province."

Sessions of Peace, District of St. Francis.

"An Act to alter the Terms of the General Sessions of the Peace, in and for the District of Saint Francis."

To facilitate proofs of Law by Notaries Public.

"An Act to facilitate the proof of the Laws of Upper and Lower Canada, and to declare Protests of Notaries Public, evidence, in certain cases in Upper Canada."
And also,

The Legislative Council have passed the following Bills, with several amendments, to which they desire the concurrence of the Assembly:

Common Schools.

"An Act to repeal the Act now in force for the establishment and maintenance of Common Schools, and

to establish a Fund for the support of the same, and also to grant an Indemnity for the payment of certain portions of the School moneys, for the year, one thousand eight hundred and forty-two; and further to provide for the apportionment and distribution of the balance of said moneys, for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three."

Cyprian Morgan.

"An Act to naturalize Cyprian Morgan, and others."

And then he withdrew.

M. PRICE⁵ dit que, pour se rendre aux vœux de la Chambre et accorder toute la latitude qu'on pouvait désirer touchant le sujet, il avait consenti à ajourner, à aujourd'hui, la motion dont il avait donné avis, mais qu'il ne serait ni juste ni convenable de la suspendre de nouveau; l'intervalle qui s'était écoulé avait dû être plus que suffisant pour se préparer sur le sujet.⁶ ((He)) said, I rise Sir under strong feelings of embarrassment to address the Chair on this great question: that embarrassment arises from various causes. The present very unsatisfactory state of my health which in no small degree affects my spirits, the humble individual who has presumed to introduce the present motion, and the magnitude of the subject involved in the motion which I shall have the honor to submit to the consideration of the House, - but I have a duty to perform paramount to all other considerations, and from the performance of that duty I shall not shrink. My embarrassment has been made a thousand fold greater by the very singular manner in which the Head of the Government has been advised to bring this subject before Parliament. No precedent can be found in the Records of the Imperial Parliament to justify such a course. I have looked with care and attention into the proceedings of the House of Commons and I can assure the House that I have looked in vain. I am much puzzled to know in what way I can treat the document before us, purporting to be a Message from His Excellency the Governor General. Had there been in this House any constitutional advisers of His Excellency, that difficulty would in some measure have been removed, but there are no such advisers, and we can accuse no one. The perplexity into which I have thus been thrown, was much increased half an hour ago by the strongest evidence in the world that we have in practice no Responsible Government, when we saw an irresponsible Secretary of the Governor General come down with a Message from the Head of the Government and place it in the hands of the Speaker of this House. The great principles of Responsible Government are those under which it was my fortunate lot to be born, and under which I have had the honor hitherto to live, and under which I trust and hope it may be my good fortune to die. These are the great principles of the British Constitution. Principles which have exalted my native country to the highest pitch of glory as the very birth place of civil and religious liberty, - principles which will eventually give liberty to the whole world, and which if honestly, fairly and in good faith carried out, will restore peace and harmony to this great Province,

give liberty and security to the people, and strengthen our connexion with the Parent State. This great principle has been conceded, if I know what concession means. It is immutably fixed in the hearts and minds of the people, and to the maintenance of which they are determined to adhere. The country holds the Executive Council responsible for every act of Government relating to the internal affairs of this Province, and the Executive alone, and as a necessary consequence of this responsibility, the Head of the Government is bound to ask their advice, and if he refuses to act upon that advice, the only honorable and constitutional course for the Executive to pursue is to tender their resignation. Under this system the Government of the Province is to be carried on, in harmony with the well understood wishes of the people, as expressed through their representatives in this House; and the persons called to the Councils of His Excellency must have the confidence of this House, and be the confidential advisers of the Head of the Government, on all matters relating to the internal affairs of the Province, and upon those affairs only. This House has more than once recorded its opinion almost unanimously in favor of this principle, and upon which the Government must be conducted. I am proud to say that from the moment I arrived in this Colony to the present time, I have undeviatingly supported free and constitutional Government. My opinions are not new, they are British, founded on constitutional right and I have supported the present Government in the hope of obtaining office. I have never asked a favor and never was offered one from any Government or from a member of any Government on the face of the earth. I want no Executive influence or Executive favor. I am a party man, I always was a party man, and am convinced that no constitutional Government can be carried on without party. I have exerted and still intend to exert my little influence in establishing the principles of the Constitution upon a basis that will for ever prevent the fluctuations of late years, and I trust that the time has now arrived when the principles of our constitution will be based on a foundation that no power, intrigue, or unconstitutional influence could possibly remove, until the time might arrive, which I trust will be far in the future, when this great and powerful Colony united with the rest of the British American Provinces, might become a free and independent Kingdom. All persons acquainted with the History of the world must fully participate in my sentiments upon this subject. The changing nature of all earthly things necessarily leads to such a conclusion, and my opinion in its fullest extent has been more than once exercised in the British Parliament by Sir Robert Peel and Lord Stanley, two of the Ministers of the Crown. That event I trust may never arrive during my life time, and I hope nothing may be done to precipitate such an event until long after, but whenever it should arrive I trust the separation (sic) will be on terms of the most perfect amity, and for the mutual and perpetual benefit of both. The question upon which the late general Election turned was the question of Responsible Government as laid down in Lord Durham's report, and as understood and maintained by the House. I was asked by some of my supporters to support Lord Sydenham's Government if possible. My reply was that I would support any Governor that would carry out fairly and legitimately that great principle, and any Governor that refused to do so, I would by every constitutional means oppose. I have been returned to Parliament

avowing these principles: I have uniformly maintained them, and so long as I possess unimpaired my mental faculties, I am determined to maintain them, and I defy any member of this House to charge me with advancing any other doctrine, or with acting inconsistently in my political course - it has been unchanging, uncompromising, unyielding, because I founded my views on the immutable basis of truth - from the stand I have taken on this great question, I felt it to be my duty, (and I never performed ((t))his duty with more cheerfulness,) to bring this vital question before the House and the country - of the issue of which I have not the remotest doubt, and the issue of which would lead ultimately to the final settlement of this great constitutional question - promote the peace and secure the happiness of the people, whose interests I have volunteered to-night to advocate. The late Provincial administration accepted office with the full understanding of their responsibility to this House, and in accordance with its resolutions; and I charge them, until their resignation, as the advisers of every bad act and bad appointment of the Government. I at length had my eyes open, and I acquit my honorable friends of desiring to retain office at the sacrifice of their honor. I know that my honorable and learned friend from Rimouski would never consent to take office or retain it one moment longer than he could do so with honor to himself and advantage to his country, and the whole country believed so too. I am no flatterer. I am under no earthly obligation whatever to him. I have received no favor at his hands; I have not been returned to Parliament through the influence of my hon. friend. I can tell the House that no man in Upper Canada had one-tenth the influence his honorable friend had in Western Canada - that influence he has secured by his moral rectitude - his political consistency - his firmness of purpose - and his unblemished reputation and the dignified, honest, constitutional and manly course he has on this occasion taken, will endear him to every friend of civil and religious liberty in this Province. When I came down to Parliament, as I stated on a former occasion, this Session, I had my misgivings as to the policy of the Government, because I saw by their appointments that there was a secret power at work which I considered influenced those appointments, and which power I thought the Government had not firmly enough resisted; and I am aware that the hon. and gallant Knight from Hamilton, who is now looking at me, thought the same thing; I am fully assured that that honorable and gallant member, if he conducted Government, would never consent to have one appointed to office of my political friends; he understands party tactics too well, and he knows full well that if he did make the offer and I accepted, he would destroy his influence with his own party. The truth is, there is a power behind the Throne stronger than the House itself - constantly, insidiously, unconstitutionally, exerting an influence over the mind of the Head of the Government, in distinct opposition to the constitutional advisers of His Excellency, and laboring to destroy their influence. The moment the Ministers brought down their measures to Parliament I was so delighted with them, that although I had expressed my fears of their purity, I at once gave them my utmost confidence, and voted cheerfully to support them. As to the correct and constitutional views of my honorable friend, the member for Rimouski, I

never had a doubt, and to shew what his views were 10 months back, I will read to the House a short extract from a letter received from him on this very subject.

"A deference is due to the quarter alluded to, and it is there it must not be forgotten (sic) that the Prerogative of appointing rests. All that we can do is to advise, and if our advice be not followed, tender our resignation."

These were the sentiments of his hon friend; those were my sentiments, as I will show by an extract from an answer to that letter.

"I see by your appointments, that there is just the same power controlling the Government, that controlled the late Governor General's Cabinet. Men are appointed to office, who openly curse you, because they are appointed by another power. A gentleman abuses himself by stating that he owes his appointment to your superiors. Sir Robert Peel was right in refusing to accept office, with the ear of his Sovereign in possession of the wives of his political opponents. And I think the ear of the Governor is in possession of your enemies, which is prima facie evidence that his Executive has not his confidence."

I admit that appointments to office are vested in the representative of the Government, but the right to advise should belong to his Council. By our constitution he is bound to ask the advice of the Council, but not bound to act on that advice. I would ask hon. members from whom could the Head of the Government obtain such good information as from those who have the confidence of the House and the country. Coming to this country as a stranger, he must seek advice from some one. If he do not take advice from his Council, he must obtain it from some other source, and of course a source in opposition to the views of the Executive, at once destructive of their influence and their power: and I again ask who are the proper persons to be consulted, who but those we have placed in power and retain there by an overwhelming majority; and who have still the confidence of the House and the country. - Can the Head of the Government obtain that information necessary for the good Government of the Province from private friends, strangers to our laws, our wants and our constitutional rights; I emphatically (sic) say he cannot. It cannot be denied that the Governor is right in exercising a sound discretion in appointing to office, after he has taken the advice of his Council; but I, as a Briton, deny that he has the right of appointing without asking advice of his sworn and responsible advisers. If this course be not taken, we have no Responsible Government, we have no political freedom, we do not possess the rights of British subjects - our Government is a despotism - our condition that of slaves. Are the men appointed to conduct the internal affairs of this Colony - men holding the same relation in conducting our affairs that the Ministers of the Crown in Great Britain hold in relation to the affairs of the Empire - to be dummies? not even to be asked to advise on questions upon which advice must have been taken. I have no wish to refer to the gentlemen by whom His Excellency is surrounded, his own private friends and Staff, but there is a fact staring every man in the face, that could not be overlooked, that an influence was behind the Throne stronger than the Throne itself, and

I want to get at that influence, for until that influence be crushed, our Government is little better than a despotism - a Governor and Council would be infinitely better, more especially if the Governor happened to be a good man. But Sir, public opinion cannot be turned aside - the march of public information and liberty must be owned. - If, Mr. Speaker, the Council are not to be consulted, of what earthly use are such advisers. They are mere shields to a Governor irresponsible to the people, to bear the blame of all his unconstitutional acts. But if the Council are not to advise on appointments to office why are they to be responsible for dismissals. Every step taken by the House during the present Session has been taken upon the understanding that constitutional Responsible Government is established. Under this impression the opponents as well as the supporters of the Government have acted. What object had the hon. and learned member for Toronto when he moved in this House for an address asking for a statement of all appointments to office? his object clearly was to condemn the Ministry in the eyes of the country for all unpopular appointments although those appointments may have been made without their knowledge or consent. And is it not as clear as noon-day that the Head of the Government by exercising the right of making unpopular appointments without or against the advice of his Executive Council, would completely destroy their character and influence in the country? I will now refer to the paper brought down to this House from the head of the Government. I approach this subject with great diffidence, owing to the exalted character of the person from whom it is said to have emanated. I am young in parliamentary practice and experience and if I transgress the rules or wound the feelings of any hon. member of this House, I trust, Mr. Speaker, you will correct me, - to your correction I am always ready to submit. To two paragraphs only do I intend to address myself, as other hon. gentlemen who will follow me will more likely touch upon other points. As to its character I cannot speak - I know not how to designate it. I have looked into parliamentary procedures but can find no one that bears the least resemblance to this document. No instance is there on record of the Crown having sent down to Parliament a written defence upon the retirement of any Ministry.⁷

MR. BOULTON - yes, Henry the 8th.⁸

((MR. PRICE continued: -)) Oh yes, but I will not refer back to the despotism of Henry the 8th for a precedent - Constitutional Government was unknown at that day, and I wish an authority of a more recent date when British Liberty was more fully recognized. Now, Sir, a document like this, though purporting to come from the Head of the Government, ought to be treated rather as the defence of the hon. member for Megantic, the only remnant of the late Government. It does appear strange to me that that hon. member has not had the decency on this important occasion to attend in his place this day and defend the conduct he has thought proper to pursue in retaining office in opposition to all his late colleagues.⁹

Here the hon. member from Richelieu ((MR. D. B. VIGER)) interrupted Mr. Price, and stated that the hon. member for Megantic was at that moment confined to his bed.¹⁰

Mr. Speaker, (said MR. PRICE) I regret the cause of the absence of the hon. Secretary, but I was induced to use the term indecency from my ignorance of the cause of the hon. member's absence and from the manner in which he treated the House on the day he brought down his written defence, by leaving the House the moment after that document had been read. I am very far from well myself as I have not had one day's perfect health since I have been attending my parliamentary duties this Session, but still I feel that I am bound on this occasion to sacrifice a little ease and humbly endeavor to perform my duty to my country. Had that hon. member been in his place I would have addressed myself to him upon this very document - but he is not here, and embarrassing as is the subject, I shall endeavor to treat the distinguished individual at the head of the Government with the greatest respect and will guard myself from any expression that might, in the remotest degree, wound his feelings. His moral and intellectual character demand my highest - my best praises, and command my most profound respect - but, Sir, I cannot be induced to forsake a great principle, for the attainment of which my whole political life has been spent, from a respect to the most exalted personage on earth. Upon referring to the document, we find this statement:-

"In other words, that the patronage of the Crown should be surrendered to the Council for the purchase of Parliamentary support; for, if the demand did not mean that, it meant nothing, as it cannot be imagined that the mere form of taking advice without regarding it was the process contemplated." Now, Sir, I can attest, without fear of contradiction, that it is British practice for the Government for the time being not only to have but to use the patronage of the Crown for political influence. Why did Sir Robert Peel refuse to accept office at the hands of his Sovereign, a few years back on the ground that the ear of the Sovereign was in possession of the Ladies of the Bedchamber - wives of the late ministers or of their supporters. And if Sir Robert Peel, one of the most distinguished statesman that England has had and one of the best that has been at the helm of affairs for many years, made these the grounds of his refusal to take office, is it to be wondered at that the late Ministers resigned when they believed they had not the confidence of the Head of the Government. Sir Robert was perfectly correct. He knew that to carry on the government of his country that country must believe that he had the confidence of his Sovereign. What! was it ... unreasonable for a young, a lovely woman to ask such a favor, and that woman his Sovereign? What! could he not yield to the earnest entreaties of one so lovely, so interesting--and that request so simple, so natural and so creditable to her feelings that those ladies, many of whom had grown up from childhood with her and had partaken of her joys and her amusements in her private retirements, had rejoiced with her when she rejoiced and sorrowed with her when she sorrowed, and had on her elevation sustained her in the cares of the mighty Empire over which Providence had placed her - wept when she wept and smiled when she smiled, - what! I ask, was it unreasonable in this lovely woman to cling closely, affectionately, tenaciously to her beloved companions? O yes, Sir Robert was not insensible to the reasonable demands of his Sovereign, and had he not as a wily politician forgot the man in

the Statesman he would have yielded; but, Sir, such was his conviction, that unless he could get his Sov. surrounded by friends, he could not command the entire confidence of that Sovereign, and consequently could not secure the confidence of his Country, and he wisely declined office. Now, Sir, let us apply the case of Sir Robert to the present state of affairs. How is it, that offices are given to men in direct opposition to the late administration, that Administration at the same time being responsible for those appointments - the Country saw and they condemned the Ministry, doubted their sincerity, and impugned their integrity. In consequence of those appointments the late Administration was gradually losing its hold on the confidence of the Country. The people believed these appointments were made through some other influence than that of the Province; that there was a back stair influence undermining the influence of the Executive Council. If the Ministers, under such circumstances, retained office, they were unworthy of any support. It is clear that under such a prostration of principle it would be infinitely better that this House were swept from the face of the Province, and a despotism in the form of Government and Council, established without representative Institutions. Mr. Speaker, I had determined at the close of this Parliament to retire to the bosom of my family, away from the perplexing scenes of political strife; but nothing could induce me to do so until this great question has been entirely and for ever settled. I feel bound to stand by my principles again, to return to my constituents again, with the Reformers to fight the Constitutional battles of my Country, peaceably (sic) but firmly, to maintain the principles of Responsible Government until it has been established. It is time that we should no longer be deceived by Despatches from the Colonial Office, written like the Delphic (sic) Oracles, which every man interpreted his own way; let us know in plain intelligent language what the Colonial Office means. No man can deprecate political strife more than I do but until this question is finally settled no peace could be secured in the Colony. The people had demanded Responsible Government, the Government had conceded it, and to recede was impossible. This back stair influence to which I have already alluded, must be destroyed, the patronage of the Crown must not be in the hands of strangers, enemies to the best interests of this Province, and strangers to its wants. I will ask my hon. and learned friend the member for Rimouski, if he is prepared to blast the hopes of the Youth of his Country, to destroy all praiseworthy emulation in their breasts, to tell them that he is prepared to sacrifice their best interests - their most ardent hopes - their glowing ambition - to serve their Country in the higher offices of distinction and trust? Will he tell me that he is ready to sacrifice them to strangers brought from India, Jamaica, or Britain? Oh, no, I know my hon. friend too well, one moment to believe it; he loves his Country and he will never, no never, sacrifice the Youth of that much loved Country in the ambition, cupidity, or selfishness of strangers. If the late Council had been prepared to surrender up this principle of insisting upon the right of being consulted on appointments to office, I can only say they would be unworthy of any confidence or the confidence of the Country. But they have acted nobly, patriotically, and disinterestedly, in sacrificing Office and retaining their

integrity. What, Sir, are we to go back to that period when we were ruled by an Oligarchy which has driven the Country to its own destruction - when a few persons united in compact together, ruled the Governor, devided (sic) the spoils of the Country, and destroyed its hopes? I would ask the hon. and gallant Knight who is now blandly looking at me, if he would use the patronage of the Crown to strengthen his political opponents. I know him too well to believe him to be so impolitic. Sir F. B. Head well said that those who live by the Government must support that Government and he was right. I maintain that principle in its fullest import. What, Sir, is not the Government to distribute its patronage amongst its political friends; if the right to do so be denied by the late Executive, I for one, say they are traitors to their principles; if they are right they are bound by every Constitutional means to carry out their own views, and the most effectual way to do so is to give to their supporters the offices of trust and profit. I will venture to say that at the present moment 3-6ths of the offices of emolument are held by opponents of the present Government. Did the late Ministers show a disposition to over-reach that political influence when they introduced the Bill for the independence of Parliament, the School Bill, the District Council Bill, all of which deprived them of patronage. The other point to which I shall advert in the Message, is that which refers to the Secret Societies' Bill. It is there stated that permission to introduce a Bill cannot be properly assumed as fettering the judgment of the Governor. I contend that permission led the Cabinet and led me to believe that that Bill would receive the Royal assent. In the Message it is stated that the Governor General objected to Executive measures being used against Orange Societies, and that Legislation on the subject would not insure the end desired. To me, it appears by this Document as if he intends to encourage their growth; two ways are open for their suppression, the one is objected to on the ground of its proscriptive nature; the other that Legislative enactments would not answer the end desired. Now, Sir, it looks to me much like a snare to render those who support that measure obnoxious to the fury and vengeance of the most dangerous body in the province, and to expose their lives to imminent risk, so much so that I cannot look at this insidious part of the document without much alarm. It was admitted by every member who spoke on this Bill, that Orange Societies were an evil and ought to be suppressed; but the present Governor and his back-stair advisers think otherwise.¹¹ ((They think)) that a band of ruffians were not a nuisance. -12

MR. JOHNSTON here rose to order, requesting the hon. member not to designate those as ruffians, who were in every respect as reputable and as good as himself.¹³

((MR. PRICE:)) Then he would say a band of loyal men.¹⁴

((MR. JOHNSTON:)) Yes.¹⁵

((MR. PRICE continued:-)) If that was the interpretation of loyalty, he (Mr. Price) did not know what it meant.¹⁶ I can tell my hon. friends from Lower Canada that if these Societies are permitted to exist, peace can never be established in Western Canada, and I have been informed by members in this

House, and others, that they are fast increasing.¹⁷

Messrs. MURNEY, SMITH and CARTWRIGHT here stated across the table that since the message they were disbanded.¹⁸

((MR. PRICE continued:--)) If that be the case what stronger proof can be wanted of their dangerous character, when the whole fraternity, said to be 20,000 strong, united firmly together, but spread through the Province, can be dissolved in the course of 36 hours, how easily can such a body, if dissolved, be in the short space united for any evil, and can be brought tomorrow for that very purpose. If, Sir, the principle of Responsible Government is conceded, as stated in that document, what would induce men of honor and integrity to resign offices of trust and power? To me it is as clear as possible, that whilst the Governor concedes the theory he positively denies the practice of Responsible Government, and the Executive were bound in honor to resign their places. My honourable and learned friend has deserted effort and power to retain his honor, and his Country looks to him with pride and satisfaction, and the steps he has now taken will confirm the confidence of his friends. That Government which gives power to its enemies, sacrifices its principles, shall never get my support, and I am convinced that it would never get the support of the hon. and learned member for Hastings, who is now looking with so much earnestness at me, or of any consistent politician. It is well known to the members of this House how the system attempted now to be introduced has worked in the Province; nine-tenths of the offices were given and are now held by enemies of the late Executive, and yet the few and scattered remnants of a party, no longer possessing power or character as a party, claim, and it appears to be the will of the Head of the Executive to give them all important offices of emolument and profit, and other offices of risk and danger to the friends of the party in power. The gallant Knight from Hamilton has twitted me more than once upon the inconsistency of such a course and, has asked me if this were Responsible Government, or whether I believed he would follow such a course; I am satisfied if the gallant Knight, was in office to-morrow he would pursue a strictly opposite course and he would have my approbation. In appointments to the magistracy the Government have pursued a correct and proper course, they have put into the commission of the Peace their political friends and foes; they asked me to send them some Tories' names, which I did, but I must say with a very bad grace. The question, Mr. Speaker, resolves itself into this, that his Excellency, the Governor General, although he may not disagree with his Executive on Theoretical principles of Responsible Government, yet practically he denies them. He contends for the right of carrying out his appointments without consulting his constitutional advisers; at the same time the Country holds the Executive responsible, and not the Governor. Such a practical working of the Government places all power in his hands and makes the Council mere automats, without even a voice in the Government of the Country; but, Sir, I can easily conceive there is a power over which his Excellency can have no control. He may be ruled by the head clerk in Downing Street, as was formerly the case, but why is the Country to be deceived in this matter:

let us know the will of that clerk. In olden times it was no uncommon circumstance for a despatch to be written in this Colony, transmitted to Downing Street, copied there and returned to the Province as a despatch of the Colonial Secretary; that day can never more return to blight the prospects of this fair country, and Lord Stanly (sic) may write what despatches he pleases in the Delphic oracle style which no one could understand, he never can disturb the great principle so firmly established in the hearts of the people. Before sitting down, I may be permitted to say that, the Government have now come to a stand still, there being in fact no real constitutional Government in the Province, and it being impossible to form one out of the present House, as there are not seven members that would dare face their constituents to uphold the doctrine of the head of the Government, and deny those of his late Council and even if it were possible for them to be returned, I would at once move a vote of want of confidence, and it would be carried by a tremendous majority; therefore I can see no other alternative than that of dissolution. I am prepared to meet my constituents, for although I have no desire for political power still nothing will induce me to leave my post until this great question is satisfactorily settled and the great principles of British Constitution fully established not only in theory but in practice. Mr. Speaker, I beg leave to apologize for having so long trespassed on the patience of the House, and to thank hon. gentlemen for the very great attention and forbearance with which they have heard me, I beg leave, therefore, Mr. Speaker, ((to move as follows:))¹⁹

(184)

Resignation of
Ex. Council.

*Mr. Price moved, seconded by Mr. Holmes,
That an humble Address be presented to His
Excellency, the Governor General, humbly representing
to His Excellency, the deep regret felt by the House, at the
retirement of certain Members of the Provincial Administration, on the
question of their right to be consulted on what this House unhesitatingly
avows to be the Prerogative of the Crown,--appointment to office; further
to assure His Excellency that their advocacy of this principle, entitles
them to the confidence of this House, being in strict accordance with the
principles embraced in the Resolutions, adopted by this House on the 3rd
of September, 1841.*

MR. HOLMES.— In rising to second the resolution moved by the hon. member for the 1st Riding of York, I may remark that one reason which weighs with me in doing so, is, that I strongly approved of and supported the resolutions of 1841, by which the principle of Responsible Government was established under the express sanction of the Head of the Government, and with the approval of almost every member of this House; and I did expect that the hopes so long cherished by the people of this country were at length realized, and that the principle was fully established, and would hereafter be practically acted upon in the management of public affairs. But I am sorry to find that I have been mistaken The circumstances which have now occurred prove too clearly that the dark clouds have not yet departed from

the face of the country, and that a misunderstanding exists in the Head of the Government as to what Responsible Government means. I regret that such should be the case, because the people from one end of the country to the other look upon that principle of responsibility as fully established - a principle by which His Excellency is enabled to govern, through his Council, in compliance with the well understood wishes of the people. Now we understand that difficulties still exist upon this subject, and that the distinguished individual at the Head of the Government does not feel disposed to carry out this principle beyond a certain extent. He seems to consider that his duty ceases when he has given his assent to the theory, without carrying it into full practical operation; - claiming to distribute the patronage of the Crown - to make all appointments to places of power, trust and emolument - without even asking the advice of his Council; or consulting them in any way - whilst they are held responsible by the Country for the manner in which it is disposed of. No man more fully recognizes the just prerogatives of the Crown than I do. Far be it from me to attempt making the slightest encroachment upon them, but I do hold that the representative of the Sovereign should consult, ask the advice, yes, and take the advice of them in whom the country places its confidence, and that in the disposal of the patronage of the Crown, those should be selected who would aid in carrying out the policy of the Government; not those who are political opponents, and who would exercise all their influence to counteract the intentions of the Government. Where equal qualifications exist those should always be preferred. For how does the case stand? We hold the Council responsible for the appointments to office; and if they are not of a character to give satisfaction to the people, that Council has the blame, and must bear the responsibility, for acts over which, if the evident intentions of the Head of the Government were carried out, they would have no control whatever - not having ever been allowed to tender their advice. This is a position in which no man or number of men should be placed. In all appointments to office the first consideration is the qualifications of the parties, but after that those should be preferred whose views of general policy accord with those of the majority of the representatives of the people in this House. I will not call them a party; for how can those who constitute, in point of numbers, three-fourths of this House be designated as a party? I would rather call their opponents a party, for they alone are entitled to the name. Let us look at the practical operation of the principle upon which the Head of the Government is disposed to act with regard to appointments to office. Suppose a number of applicants for office stand up before His Excellency, and that he has to decide which is the most eligible for any particular situation. He makes his choice, not from the advice of his Executive Council, then how came he to decide? From what source did he derive his information as to which is the most eligible and best qualified? Has he an intuitive knowledge of this? No he cannot, then what is the inference? that if he do not take the advice of his responsible advisers, advisers solemnly pledged to lend their best advice, he must have advice from some other quarter; he takes the advice of their political opponents. This is the inevitable consequence of the position which His Excellency

has assumed, a position in which, be the result what it may, he will never be sustained by the people of this country. The Executive Council, by the course which His Excellency has pursued were placed in a most difficult situation; and they have very properly tendered their resignation of office. Why should they hold office when the Head of the Government evinced any want of confidence in their Councils? Who possess the confidence of the people, and they have pursued, upon this occasion, the course that will meet with the almost universal approbation of the whole country. I do not profess to be so well acquainted with the upper Province as I am with Lower Canada, but certain I am that in the Lower Province this conduct will be hailed with one universal shout of acclamation - approving of the manner in which they have performed their duty to their country in resigning office when they found that their counsels were despised and undervalued; and that they no longer possessed the confidence of the representative of the Crown. And in order to ascertain the beneficial effects of the Government of the country being conducted through a Council approved of by the people, and responsible for the manner in which it is conducted, we have only to look at the present condition of Lower Canada and compare it with the past - we have only to look at it now, and consider what it was two years ago. When agitation, strife, and discontent prevailed, now the country is in a state of tranquility (sic) and peace. Persons who formerly entertained the bitterest animosities, have now agreed to throw the veil of oblivion over all their past grievances, live in peace and harmony, and vie with each other in loyalty to their Sovereign. For a confirmation of the statement I have now made I might refer to one county alone - the county of Beauharnois. In that county two parties have existed entertaining the most hostile feelings, one party of French Canadian origin, the other of British - now they are casting aside the jealousies and disputes; and blessing the day that, through the exertions of the Executive Council lately in existence, harmony was restored, and that equal justice has been administered to both without distinction. Such are the effects of the system of Government established, and of the influences exercised in the county by the late administration. Whilst I am prepared to support the course pursued by the late administration, I regard it as a matter of regret that the ecclaireissement (sic) had not taken place sooner. It would have been better for the country, if it had taken place some months ago. But when the late administration took into consideration the high character of His Excellency for rectitude and honor, which he brought into the country, they no doubt felt naturally disposed to try whether it would not be possible for them to conduct the Government in harmony with him, but recent circumstances have induced them to believe, - as indeed they must induce any reflecting mind to believe - that he has been misled by an influence which they cannot understand and which it is important to know. Their desire to come at it has led them to resign, and I am very confident the people will sustain them in the course they have pursued. In the present state of public opinion in this country, I believe it is morally impossible for the Governor General to rally round him any number of individuals sufficient to enable him to conduct the Government for 24 hours. With the present House of Assembly it cannot be done; and in the event of a dissolution, after the Election the same thing

would be exhibited. But though a temporary embarrassment may arise from the position in which affairs now stand - I am confident that all will yet end well, that our public rights will be established, and that the people of this country will have to thank the late administration for the straightforward, manly and noble course they have pursued.²⁰

MR. D. B. VIGER would thank his hon. and learned friend who had just sat down for the manner in which he had expressed himself in reference to the late Administration, as he could join in the tribute which had been paid to those hon. members: for although differing with them as he did on the present occasion, he could not withhold that which was justly due: on the other hand, though he felt grateful for the benefits which they had conferred, he had no right, nor would he pin his faith or opinions to any man or set of men when he deemed their views erroneous: and he would appeal to the country as to the justice of his present difference with those hon. gentlemen. He desired the attention of the House while he would state the principles on which such a question should arise in the House. They were not now trying a minister, be it recollected, but a Governor, over whom they had no jurisdiction. (Hear.) Let it not be said that the question is one of Responsible Government: was he, after fighting the battles of his country for fifty years, to be told that he opposed that principle in the administration of the affairs of the country? He repudiated such an idea. The case was altogether a different one. Let hon. gentlemen remember that they were at that moment the judges - that they had the sacred functions of judges to exercise - and then he would ask on what fact were they to exercise those functions - on what fact could they proceed to try and condemn or acquit ministers? He would wish some hon. gentleman to point it out. He knew that for the course he was taking in opposing the proposed proceedings of the House, he would be branded as a traitor, (hear), he was accustomed to be so branded, (hear), unfortunately he had been treated as a traitor to his country some few years since, and now he was treated almost as a traitor because he had opposed the proceedings of some honorable gentlemen on this question, (hear, hear, hear), but he threw himself on the justice of his country and his God. (Hear.) The difference of opinion between him and his hon. friends was one founded in error. If he expressed his opinion of the document which had been read, he would say it was improper in that shape but there were circumstances to be taken into account. Was it right that the question of difference between His Excellency and his advisers should be tried on a special pleading? Yet that was the character of the paper which had been sent to His Excellency as the explanation to be offered in the House. He was with those hon. gentlemen on the principle of Responsible Government, but not with them when they adopted a course so unconstitutional in its operation. A case in point which occurred not long since in England would illustrate his meaning. In 1839 Sir Robert Peel was called to office, and on that occasion desired the dismissal of the ladies of the bed-chamber, because from the fact of their being connected with his predecessors, who had just retired, he feared their influence with Her Majesty would tend to deprive him of that confidence on the part of

the Sovereign without which it would be difficult to carry on any government. That was all right - the fact no one doubted. Her Majesty refused the demand, and Sir Robert declined a continuance in office. A letter was sent containing a plain statement of the facts, on which neither parties differed, and then Sir Robert Peel desired permission of Her Majesty to go down to the Commons and give the explanation, which was granted. Now, the statement before the House was not of that character, it was not a statement of facts on which there could be no difference; and he would stake his reputation as a constitutional lawyer in asserting that there was no statement before the House on which the late ministers could be tried. True, the answer which had been read was without precedent for a special pleading on which to try a case. Let them condemn that document as they should do, but let hon. gentlemen show justice; let them admit that they have likewise committed an error - that that error led to the other. (Hear, hear.) He (Mr. Viger) had interrupted and asked the hon. gentleman for Rimouski the other day, if he (Mr. B.) was authorized to make the statement to the House which that hon. gentleman was then submitting, and was surprised when he said he was authorized. He could not sleep that night, thinking of the error he had committed. He made some enquiry to find if he had made such a mistake, and found he was correct. He did not question the veracity of that hon. gentleman: he knew him to be perfectly incapable of stating that which was not true, or of an intention to do wrong. He was sure no such intention could find a place in that hon. gentleman's heart; but he (Mr. V.) was bold to say and to repeat, that no permission had been given in the legal and constitutional sense of the term; and when he believed he was right, neither the loss of popularity or of power, if he possessed power, would lead him to swerve from what he conceived the strict line of his duty.²¹ Ici l'agitation de l'orateur est extrême, et excite de nombreux mouvemens d'improbation dans toute la Chambre.²² He would, therefore, be excused if he repeated what he had said, that that statement was not authorized. - (Hear, hear.) If they looked to the document which had been read by the hon. Secretary, they would find no such authorization: on the contrary, a protest against the explanation then proposed to be submitted to the House. (Hear, hear.) Now, he would appeal to hon. gentlemen, as friends of the country, of parliamentary proceeding, whether there were any facts legally and constitutionally before the House, on which it could proceed to try or condemn any party. They were bound in honor; there was a moral obligation that, sitting as judges, to proceed in a proper and parliamentary manner; and it would be admitted by all, that if the judges did not try a case according to the forms of law, any decision thereon was invalid. No doubt there was, on the part of his hon. friends, a moral conviction of right, but that ought not to be taken in the House as such. Neither document was right; and in addition to that, there was no authorization for the statement which had been made. - Then he would ask whether his opposition was factious? He was sure hon. gentlemen would acquit him of any intention of pursuing such a course towards hon. gentlemen who were his friends, with whom he had acted so far, and with whom he always agreed. They had been his friends: one had been his pupil; another he had been for the

last twenty years admiring his talents, and another had done much service for his country - and was he to be told that he was doing anything to injure them? No: but he had a moral obligation to perform, which he should not shrink from doing, although he might differ on that particular point with friends for whom he entertained the highest respect.²³ Après quelques autres réflexions du vénérable orateur que son extrême agitation et le bruit qu'elle provoquait de la part de l'auditoire nous ont empêché d'entendre, il termine son discours en proposant on (sic) amendement.²⁴

L'Hon. MR. BALDWIN dit que le préopinant (M. D.B. Viger) se berce d'une étrange erreur (delusion) quand il prétend qu'on n'a pas observé les formes en donnant les explications dont il parle; mais je puis pourtant bien aise qu'il paraisse être ainsi dans cette erreur. Je vois que c'est à cette erreur qu'on doit attribuer son empressement à m'interroger l'autre soir lorsque je donnais en mon nom et au nom de mes collègues résignataires ces explications touchant les causes qui ont ((amené)) notre retraite du pouvoir. Je ne pouvais comprendre la conduite qu'il a tenue en cette circonstance, ne voulant pas l'attribuer à des motifs inconvenables, et j'avoue qu'il vient ce soir de me soulager d'un grand poids. Mais il faut convenir en même tems que cette erreur est plus qu'étrange après la déclaration solennelle que nous avons faite à cette chambre, et on a lieu d'être étonné qu'il y persiste encore. Le droit de revendiquer notre conduite aux yeux du pays ne peut être un objet de doute. Quand nous acceptâmes le pouvoir sous sir Charles Bagot ce fut à l'expresse condition que le gouvernement adhérerait (sic) aux résolutions de 1841 dans la régie des affaires du pays. Du moment donc qu'il y aurait déviation de la route tracée par ces résolutions, qui sont comme on sait le texte du gouvernement responsable, nous étions tenus de résigner. Du refus de nous consulter sur aucune partie de l'administration résultait nécessairement la répudiation de ces résolutions, une infraction des conditions auxquelles nous avions consenti à former cette administration. Quand donc nous avons vu qu'on voulait conduire les affaires du pays sans nous et contre nous, nous avons le droit de donner des explications. Sommes nous coupables ou non? Voilà la question. Que la chambre nous juge. Il ne s'agit pas de faire le procès du gouverneur, mais il s'agit de juger notre conduite seulement. Du reste nous n'avons pas donné nos explications sans la permission de l'individu distingué qui est à la tête du gouvernement; en sorte que le très honorable et très vénérable membre est dans l'erreur quant à la question de forme même. (Hilarité). Ayant exposé à Son Excellence les raisons pour lesquelles nous devons résigner, le gouverneur général pria mon savant ami pour le 4e arrondissement d'York (M. LaFontaine) qui les lui expliqua, de les mettre par écrit, requisition à laquelle on dut se rendre. La note de mon honorable collègue contenant les énonciations requises fut envoyée dès le lendemain, lundi, et il y fut répondu le mardi suivant; mais ce ne fut que le mercredi, et une heure seulement avant l'ouverture de la séance de cette chambre, que nous sûmes que ce document existait. On a prétendu, le vénérable ami pour Richelieu a prétendu que c'était une contestation de la prérogative de la couronne, mais je crains bien que la prérogative court plus de danger

que ci-devant si elle doit être à la merci d'avis comme ceux qui ont pu porter le chef du gouvernement à envoyer un pareil document à la chambre. Ce procédé décele (sic) une profonde ignorance de la part de celui ou de ceux qui ont pu le conseiller. Le gouverneur général ne devait pas envoyer à la chambre ses raisons; car il appelle ses conseillers au ministère, et il les démet suivant qu'il le juge à-propos. La question dont il s'agit en est une qui regarde les membres du ministère et la chambre, et elle n'existe pas entre la chambre et le gouverneur. Nulle explication ne peut et ne doit être envoyée par ce dernier; ce qu'il a fait contrairement à ce (sic) est sans exemple. Ce sont les ministres qui seuls peuvent les donner pour lui. Ceux qui sortent expliquent à la chambre les raisons pour lesquelles ils ont résigné, et leurs successeurs y répondent seuls de la part de la couronne. Nous sommes venus à la chambre constitutionnellement Mon hon. et vénérable ami secoue la tête, mais il faut espérer qu'il n'en fera pas sortir tout esprit susceptible de conviction sur le sujet qui nous occupe. Ce qu'on nous a donné pour un document officiel n'est ni une correspondance ni un message. On savait très bien qu'un message en forme rattacherait de la responsabilité à ceux qui l'eussent présenté, et on l'aurait discuté, mais le document qu'on a distribué à la chambre n'en est pas un, et on ne peut pas en faire l'objet d'une discussion. Si le vénérable monsieur à encore ses idées nettes et lucides et n'est pas entraîné par son imagination, j'espère pouvoir le convaincre de la régularité de notre procédé. Si nous avions pu tromper Son Excellence nous aurions mérité d'être éconduits de cette Chambre. Dans ce que nous avons fait on ne peut voir que l'accomplissement d'un devoir impérieux, tant auprès du représentant de Sa Majesté (sic) qu'auprès des représentants du peuple en cette Chambre, et nous étions strictement dans notre droit. Le vénérable monsieur a dit que le dernier paragraphe du document même faisait voir que l'autorisation ne nous fut jamais donnée pour offrir nos explications. Mais quiconque veut se donner la peine de jeter un coup d'oeil sur ce paragraphe verra qu'on ne peut jamais interpréter cela comme étant une dénégation que la permission fut donnée; le sens de ce paragraphe est tout autre que celui que veut bien y voir l'hon. et vénérable monsieur. (L'orateur fait ici la lecture de ce paragraphe.) On ne peut rien exiger de plus formel, seulement le gouverneur général y manifeste le désir de se défendre contre les interprétations qui pourraient avoir l'effet d'impliquer ses motifs ou sa conduite. L'hon. et vénérable monsieur veut-il prétendre que c'était là s'opposer à notre droit et à notre devoir dans de pareilles circonstances d'offrir des explications? Il a assumé en cette chambre, depuis peu un caractère que personne ne connaît, et qui n'est compris que par lui-même, et cependant il s'attache aux formes! Il a dit que nous n'avions aucun fait à citer, ou dont la chambre fût en possession pour nous juger. Il n'est pas nécessaire d'aller en chercher ailleurs que dans ce document; il contient tout ce qu'il nous faut pour notre propre justification. Ce document, je ne veux pas le qualifier comme il le mérite, mais je dois dire que c'en est un des plus curieux qui aient jamais été communiqués à un corps délibératif comme l'est cette chambre. On ne doit pas perdre de vue l'important principe de la constitution britannique qui veut qu'à leur résignation les ministres

se présentent à la chambre représentative pour y donner leurs explications. On doit s'en référer aux résolutions adoptées par cette chambre en 1841 à l'unanimité et sur la suggestion (sic) même du gouverneur général de l'époque. Ces résolutions commencent par poser un grand principe: la responsabilité du représentant de Sa Majesté envers la couronne; et elles ajoutent aussitôt qu'il ne pourra néanmoins conduire les affaires du pays qu'avec l'avis, l'assistance et les informations et par le moyen d'hommes constituant une administration provinciale et possédant à cet effet la confiance de la majorité des représentants du peuple. Ne sont-ce pas là les principes qui, comme l'a fait observer l'honorable membre pour Montréal (M. Holmes), sont soutenus par le pays? et qui seuls donnent aux hommes qu'il a revêtus de sa confiance dans la conduite de ses affaires des titres à ce cri d'approbation universelle dont il a parlé? Je n'hésite pas à dire que c'est l'opinion unanime dans tout le pays que le gouvernement doit s'administrer d'après les principes consacrés dans les résolutions de 1841. Nous devons donc conseiller et informer le représentant de la reine afin que le gouvernement pût être bien administré, c'est-à-dire conformément aux vœux et aux intérêts bien entendus du peuple que Sa Majesté a déclaré devoir être toujours la juste mesure de l'administration provinciale. Les résolutions en question confèrent d'une manière positive le caractère rassurant d'administration au gouvernement du pays. Celles que j'eus l'honneur de présenter dans le temps furent modifiées dans les termes, mais tout le monde tomba d'accord alors que mes résolutions et celles qui furent adoptées sur la proposition du membre accrédité auprès de la Chambre comme le principe organe (leader) de l'administration de l'époque étaient au fonds (sic) identiquement les mêmes. Rien n'y différait quant aux principes d'après lesquels le gouvernement devait être conduit. Nous avons réclamé le droit d'aider le représentant du trône de nos conseils d'abord généralement quant à tous ses actes administratifs ayant rapport aux affaires du pays: nous nous attachions au principe: nous voulions le maintenir quant aux nominations aux emplois. "Ah!" nous fut-il répondu, "on veut faire servir la prérogative à des vues de partis!" Comme si les partis n'étaient pas l'appanage (sic) des gouvernements constitutionnels. Que ceux qui prétendent pouvoir conduire le gouvernement sans parti (sic) viennent prendre place aux bancs vides de la Trésorerie, et ils verront s'il leur est possible de s'y maintenir un seul jour. Pour ma part, je reconnais les partis; je suis un homme de parti, et l'ai toujours été. Il n'y a que les gouvernements despotiques qui ne reconnaissent pas de partis. Sous le système constitutionnel essayer de conduire le gouvernement sans tenir aucun compte des partis, c'est vouloir le perdre, c'est le dépouiller de cette considération et de cette influence sans lesquelles il doit être impuissant à faire le bien ou à empêcher le mal. Avec de pareilles vues aucun ministères (sic) ne saurait bien conduire le gouvernement. J'ai déjà eu occasion de proclamer nos vues touchant la distribution de l'autorité. J'ai dit que la compétence dans les individus était une qualification nécessaire, mais que, toutes choses égales d'ailleurs, si j'avais à choisir entre deux prétendants je préférerais un ami à un ennemi, et que cependant j'appellerais celui-ci à la place dans le cas où je ne trouverais dans les

rangs de mes partisans aucune personne capable de la remplir. C'est une déclaration dont l'opposition elle-même peut me rendre témoignage. Supposons qu'on nomme aux emplois sans tenir compte de ces considérations de parti. Il faudra toujours quelqu'un pour aviser le gouverneur, et où prendra-t-il les conseillers qui aient les connaissances et l'expérience nécessaires et qui pourraient (sic) mépriser ces considérations? Quoi qu'il fasse il faudra qu'il les prenne parmi l'un ou l'autre des partis qui sera en majorité. Et dès lors comment peut-on prétendre mépriser toutes considérations de parti? Mais l'argument qu'on peut tirer de la prétention émise par le gouverneur de nommer aux emplois sans aucune conseils (sic) ou renseignements (sic) peut se rétorquer contre lui. Quelle garantie avons nous qu'alors ces nominations se feront sans égard pour des vues de parti? Qu'on me dise si nous, les conseillers responsables du chef de l'exécutif, pouvions rester en office lorsqu'on ne nous consultait pas? Croit-on que nous aurions voulu consentir à jouer le rôle de marionnettes (sic) (puppets) pour Son Excellence? Jamais; c'eût été dégradant, non pas pour nous seulement, mais pour les représentants du pays qui nous avaient honoré (sic) de leur confiance, c'eût été dégradant pour le gouvernement lui-même. J'ai fait voir par les termes mêmes des résolutions que nous ne pouvions continuer de la sorte à rester au pouvoir sans forfaire à notre serment. Il y en a qui pensent qu'il suffit que le gouverneur se dise garant auprès du peuple pour la due administration de ses affaires. Cela me rappelle d'un ci-devant gouverneur de Haut-Canada (Sir Francis Head) qui était si terriblement jaloux des droits constitutionnels qu'il ne voulait pas que d'autre que lui en fut responsables (sic) au peuple. (Grande hilarité), et ce fut ce même personnage qui amena le pays sur le bord de la révolution.²⁵

Quelqu'un crie que non.²⁶

((M. BALDWIN:)) Oui, ce fut lui même qui par ses excentricités conduisit la colonie à deux doigts de sa perte.²⁷

No, No! Yes, Yes!²⁸

((M. BALDWIN continue:)) Mais le vénérable membre pour Richelieu a prétendu qu'il n'y avait aucun fait devant la chambre pour qu'elle pût se prononcer sur notre conduite. (L'hon. orateur lit ici une parti (sic) du message, celle où se trouve l'énonciation des faits qui ont amené la résignation du ministre.) Ceci n'est-il pas une réfutation de cette singulière prétention? Le document est rédigé de manière à faire voir que son auteur est étranger aux termes techniques nécessaires à ces sortes de documens (L'orateur continue de lire). Je le répète, si le patronage doit s'exercer comme il est dit dans ce document, nulle administration ne pourra satisfaire le pays. On y convient que le gouvernement doit être conduit d'après les vœux du peuple, mais comment pourra-t-on le conduire d'après les vœux de peuple si on ne nous consulte pas? Et comment pourrions nous le conseiller si nous ignorons ce qu'il fait?²⁹

Ici Monsieur DENIS B. VIGER dit qu'il ne nie pas qu'il y ait des faits, mais qu'on s'en est saisi contre les formes.³⁰

((M. BALDWIN continue:)) L'honorable et vénérable monsieur admet qu'il y a matière à faire notre procès, mais il prétend que nous avons manqué aux formes en les soumettant à la chambre. Cette objection est déjà suffisamment réfutée. (M. Baldwin entre ici dans les nouvelles considérations à ce sujet, mais le bruit qui se faisait autour de nous, nous a empêché de les bien saisir.) Il est des parties de ce singulier document que je ne comprends pas plus que le vénérable membre. En parlant du gouvernement responsable le gouverneur général y proteste contre l'idée qu'on pourrait le croire adverse à l'opération du gouvernement tel qu'établi d'après les principes émis par les résolutions de 1841; il dit qu'il en veut le plein et entier effet. Rien peut-il mieux établir la reconnaissance de notre droit, sujet du différend survenu entre lui et ses conseillers? Peut-il après cela convenablement manifester sa surprise qu'on ait différé avec lui d'opinion? Certe (sic) ce n'était pas surprenant. Il réclamer le privilège de juger, et nous lui concédons ce point; mais nous réclamons le droit d'être consultés, ou de résigner s'il nous le refuse, voilà tout. Le bill tendant à mettre fin à un abus criant, résultant de sociétés secrètes comme celle des orangistes frappée d'une juste proscription dans la métropole, a été enfin adoptée (sic) à une forte majorité dans les deux chambres. Comment pourra-t-on jamais mieux s'assurer de l'opinion publique que dans cette circonstance? Où se trouvera la juste mesure des vœux du peuple si ce n'est là? Eh bien! le bill n'a pas été sanctionné on la (sic) réservé. Ce n'est pas, comme je l'ai dit dans le cours de la discussion sur cette question, que nous pensions que la législation fût le meilleur moyen pour remédier au mal, on eût de beaucoup préféré l'action du pouvoir exécutif à l'instar de ce qui s'observe en Irlande, mais nous n'avions d'autre ressource que de recourir à un acte du parlement, et on aurait dû au moins nous avertir qu'on ne pouvait lui donner la sanction royale, et qu'on se proposait d'en référer au bureau colonial. On croit maintenant dans le Haut-Canada où la mesure était tant désiré (sic) que nous avons voulu le tromper, ainsi qu'un ami, dont l'opinion est à respecter, me le disait aujourd'hui lui-même. Le document contient toute la matière de fait nécessaire pour nous faire notre procès, et nous voulons nous soumettre au jugement que la chambre voudra y assoir (sic). La question est la même que celle qui a déjà été décidée en principe: Aurons nous ou n'aurons nous pas le gouvernement responsable. Si cette Chambre déclare que nous ne devons pas être responsables dans le sens connu et expliqué, je ne voudrais pas m'assoir (sic) un instant sur les bancs de la trésorerie. C'est donc au point de vue de gouvernement responsable qu'il faut nous juger, et pour lequel je suis prêt à tout sacrifier pour en assurer la jouissance à mon pays et le transmettre à mes enfants comme le plus précieux héritage que je puisse leur léguer. J'invoque ce principe de gouvernement qui a déjà fait tant de bien au pays, et je suis prêt à subir votre jugement. (Profonde sensation.)³¹

DR. DUNLOP repudiated the idea that it was the duty of His Excellency

to consult his council on all occasions, and that if that principle were conceded they might dispense with the office of Governor General altogether, and save the Province £7000 per annum.³²

MR. BOULTON expressed himself strongly in favour of reponsible (sic) government, considering that it could be carried out here with the same facility as in a neighbouring state. The influence of the people ought to be paramount in the colony, in all things that concerned them. The Governor was responsible to the Crown for the simplest appointments, and ought therefore not to be restricted in exercising his discretion as to appointments, although at the same time, his council ought to be applied to for advice.³³

MR. SIMPSON regretted that the late ministry, in resigning, had not thought more of the country and less of themselves. As to what had been said about responsible government, he could not understand it. Did it mean that the Governor was to be a mere automaton, and merely sanction their (the council's) measures? If such was the doctrine of responsible government - they could well dispense with the services of a Governor. If the demands of the council were so modest, so simple as they were said to be, why was not His Excellency to have some influence over the patronage of the Crown, for which he was as responsible as they were? Of all delusions, he considered that one of the grossest, which could expect the Governor to give up his independent right of appointing to office, to suit mere party purposes. The University bill he (Mr. Simpson,) looked upon as intending to scatter all property to the winds, and would advise the members from Lower Canada to ponder well upon it, and look to their own seminaries. This he would regard as a sample of the measures of the government. Mr. Baldwin always appeared so extremely virtuous that he was placed beyond the ban of ordinary society. He (Mr. Simpson) looked rather cautiously upon so much seeming perfection. Were the house to cease legislation because a few gentlemen had resigned office? Although this calamity had fallen on the country, he had every confidence that out of a million and a half of people, a sufficient number of men would yet be found to form a ministry. He did not think they were disposed to obstruct the march of government, but he was of opinion that they had surrounded the Governor in such a way as to reduce him to a mere automaton. With those opinions he would vote against the motion.³⁴

The hon. member from Bonaventure ((MR. HAMILTON)) was opposed to the motion. From His Excellency's statement he was led to believe that the late Ministry desired to become possessed of the patronage of the Crown, for the purpose of securing Parliamentary support, and if there was one thing more than another which he disapproved of, it was the dispensing that patronage for party purposes. These were his conscientious opinions, and he was never ashamed to avow those opinions even if the whole people of the country were opposed to him - and he could appeal to his conduct on a former occasion for proof of this - when the 92 Resolutions were proposed in the House of Assembly of Lower Canada, the hon. member for the County of Quebec, Mr. Neilson, and himself had stood up in their places in opposition to those Resolutions, although they well knew at the time that they would not again be returned to Parliament in consequence of that vote - and he sincerely believed that the agitation of this question

in Lower Canada would devide (sic) people - that every Briton in the Province would feel it to be his duty to rally round the Governor General in support of the Prerogative of the Crown.³⁵

((Il se produit une)) hilarité prolongée dans toute la chambre
Ecoutez! Ecoutez!³⁶

L'hon. M. CARTWRIGHT dit que ses opinion sont bien connues sur ce sujet, et qu'il n'est pas nécessaire pour lui de les répéter.³⁷ He had always been opposed to the humbug of Responsible Government, and that every day's experience tended more and more to strengthen that opinion. He had viewed the introduction of the principle into Canada with extreme regret, believing as he did that it would eventually lead to a separation from the Mother Country.³⁸ Il proteste contre l'expression d'oligarchie dont l'hon. et savant membre pour Niagara (M. Boulton) s'est servi pour désigner le party qui avait selon lui (M. B.) régné ci-devant depuis des années dans le Haut-Canada. Qu'à tout événement, s'il y avait eu oligarchie, l'hon. et savant membre ne devrait pas le proclamer, car il en avait fait partie. Mais qu'après tout il y avait eu plus de loyauté et de constistance dans cette oligarchie, comme on l'appelle, que dans cet épouvantail de gouvernement responsable. (L'auteur parle ici avec une extrême véhémence, et frappe la table de son poing; ce qui fait beaucoup rire.) Il dit que le ministère se plaint qu'on ait refusé de le consulter comme un prétexte pour excuser sa résignation; c'est là un misérable subterfuge (claptrap).³⁹

On crie à l'ordre de toutes parts.⁴⁰

((M. CARTWRIGHT continue:)) Il dénonce de nouveau les bills de M. Baldwin par rapport aux processions séditieuses et aux sociétés scerètes (sic). On nous dit que le gouverneur général n'a pas ici à subir son procès, qu'on ne peut le mettre en jugement; mais, il le demande, quel autre effet peut avoir la motion?⁴¹

On crie: non, non.⁴²

((M. CARTWRIGHT continue:)) En donnant un vote de confiance aux ministres résignataires, c'est condamner Son Excellence.

Supposons que la position prise par le gouverneur soit soutenue en Angleterre, alors il faudra en venir à une dissolution du parlement, et si nous maintenons la position prise par le Conseil Exécutif, alors il n'y aura pas de possibilité de marcher. (Hilarité) Je sais que je suis dans la minorité, mais ce n'est pas la première fois; je suis accoutumé à la minorité. Sommes nous prêts à emporter le gouvernement responsable de vive force? Nous l'avons déjà essayé.⁴³

Non, non.⁴⁴

((M. CARTWRIGHT continue:)) Si, je parle seulement quant au Haut-Canada, je veux que mes amis du Bas-Canada sachent bien que je me borne au Haut-Canada; je ne prétends pas être suffisamment au fait du Bas-Canada pour prétendre en parler. On parle d'aviser l'exercice du patronage de

la couronne, car on prétend que le gouverneur n'est pas suffisamment instruit des choses du pays pour pouvoir se passer de conseils d'hommes qui en ont une pleine et entière connaissance. Je suis Canadien moi-même, et à ce titre j'aimerais mieux qu'il exerçât la prérogative en faveur des Canadiens de préférence à des étrangers; mais on ne peut lui nier le droit d'en décider seul en faveur de qui il veut. Je prétends qu'il est seul responsable de ses nominations aux emplois envers la souveraine. On lui disait: Vous étiez tenu d'exercer votre contrôle sur la distribution du patronage de la couronne. Que le message qui est devant la Chambre doit être regardé comme un document dans les formes constitutionnelles, il est donné au nom du gouverneur général et porte une date précise. Là il donne ses raisons pour avoir accepté la résignation "de ministres qui formaient son Conseil Exécutif;" là aussi nous trouvons consignées les raisons pour lesquelles il ne doit pas se dépouiller de la prérogative dans la vue de favoriser l'influence des conseillers exécutifs. S'il ne devait pas en être ainsi, son honorable ami le membre pour Huron (M. Dunlop) avait alors raison de dire qu'on pourrait très bien se passer d'un gouverneur envoyé d'outre-mer, et épargner ainsi à la province un salaire de £7000. J'ai dit, lorsque le bill pour la suppression des sociétés secrètes fut présenté par l'hon. et savant procureur général pour le Haut-Canada, que jamais la sanction ne pourrait lui être accordée.⁴⁵

Des cris ironiques de: Ecoutez! écoutez! partent de toutes parts, et sont suivis d'hilarité.⁴⁶

((M. CARTWRIGHT continue:)) J'étais sûr que la chose était contraire aux principes d'après lesquels notre gouvernement doit être conduit. Il se plaint (lui M. C.) qu'il n'y ait pas dans la chambre en ce moment de conseillers exécutifs responsables, il parle de la responsabilité dans le vrai sens de ce mot.⁴⁷

Même (sic) cris de: Ecoutez! écoutez! écoutez!⁴⁸

((M. CARTWRIGHT continue:)) Et telle que je l'entendais lors de l'adoption des résolutions de 1841. Je n'ai pas honte de le dire, je fus un de la minorité des sept qui votèrent contre ces résolutions, et l'événement d'aujourd'hui me prouve que j'avais raison de voter ainsi.⁴⁹

L'Hon. M. HINCKS s'applique d'abord à combattre les prétentions émises par le membre pour Bonaventure (M. Hamilton), et lit le message en le commentant. Il dit que les explications données par l'hon. et savant membre (M. Baldwin) ne sont pas une copie de tout ce qui peut se dire, entre le ministère et le gouverneur général, et personne ne prétend l'avoir rapporté mot à mot; mais les explications données en sont exactement la substance, et plus on examine le message moins en y trouve quoi que ce soit qui puisse s'interpréter comme une contradiction entre ce qu'a dit son hon. et savant ami (M. Baldwin) et le contenu du document. Il s'agit tout simplement de la question du gouvernement responsable, la même que celle qui a déjà été décidée par cette chambre. Il y a une différence

d'opinion entre l'individu distingué qui est à la tête du gouvernement et ceux qui furent en apparence ses conseillers responsables. Il prétend qu'il n'est pas obligé de consulter son conseil sur ses nominations, en ce que cela équivaldrait selon lui à un abandon de la prérogative; nous, nous prétendons qu'il doit consulter son conseil, que ce conseil existe exprès pour l'aider de ses avis, et que si le gouverneur peut agir sans ses avis, alors il est parfaitement inutile d'avoir aucun conseil. Voilà la différence entre les deux. On parle de patronage de la couronne, et on dit qu'on ne doit pas le faire servir à l'influence des ministres auprès du parlement, et l'hon. membre pour Bonaventure dit qu'il n'est opposé à rien de plus; mais où trouve-t-on la preuve qu'ils aient eu cette intention? Le fait est qu'on ne fait là qu'une hypothèse. Qu'on y fasse bien attention, la note du gouverneur en réponse à celle de son hon. savant ... collègue (M. La Fontaine) est la partie du document qui fait allusion à la chose, mais comme matière d'opinion seulement de la part du rédacteur de ce message, et non pas comme un fait. Autre chose serait de s'opposer à ce qu'on fit usage de la prérogative au détriment de notre responsabilité comme membre de l'administration, et de prétendre la diriger de manière à la faire servir à leur influence parlementaire. Il ne s'agit pas de savoir si nous avions le désir en conseillant de nous ménager des appuis parlementaires, mais si nous avions le droit de conseiller, ou d'être consultés. Voilà la question. Il ne s'agit pas non plus de savoir si nous étions d'opinion que les employés du gouvernement devaient le soutenir, on sait qu'ils étaient tous des créatures des ci-devant gouverneurs, et opposés à la dernière administration. Voyez le Livre bleu que je vous montre d'ici sur la table, regardez y et vous verrez que tous les officiers publics sans exception qui ont occupé des places depuis les ci-devant gouvernements, et qui ont joui de gros salaires, ont été les adversaires de notre administration. On a dit avec vérité que le gouvernement constitutionnel ne peut exister sans partisans, et l'administration qui n'en tiendra aucun compte n'aura aucun support. Toutes les demandes qui ont été faites pour des places sont venues, chose singulière! de nos adversaires politiques. On peut dire qu'on était en butte en quelque sorte aux influences secrètes qui se sont prolongées des gouvernements des Colborne et des Arthur jusque dans l'ordre de choses actuel par le moyen de ces employés. N'est-il pas temps de mettre fin à ce système de favoritisme (sic), suivant lequel les Canadiens ont toujours été mis de côté pour faire place à des étrangers tout nouvellement déballés dans le pays. Est-il juste de faire venir d'Angleterre des individus parfaitement étrangers au pays pour leur donner des places, tandis que les gens du pays tout aussi capables qu'eux sont négligés? La compétence en ceux qui sont appelés aux emplois est une condition nécessaire, personne ne niera cela, et nous avons été des premiers à la proclamer; mais, je vous le demande, le gouverneur sera-t-il moins en état d'en juger parce qu'il aura consulté ses conseillers?⁵⁰ A gentleman of respectability who had come out from England with letters of recommendation was nearly having an appointment at the port of Hamilton, against the wishes of the merchants who remonstrated against it. Another gentleman who had also known Sir Charles Bagot in Prussia, came out with similar expectations.⁵¹ Le gouverneur est sans cesse exposé à

tomber dans de graves erreurs par suite de semblables recommandations. Il est impossible, s'il refuse les avis d'hommes du pays, qu'il n'en reçoivent pas de quelques uns de ces étrangers qui y viennent et n'y ont d'autres intérêts que les leurs propres. Je le répète, il est injuste et imprudent de soumettre le pays à de pareilles influences. On a prétendu que nous voulions gêner l'individu distingué qui est actuellement à la tête du gouvernement dans l'exercice de la prérogative. Nous avons déjà nié cela, et personne n'a essayé de prouver cette accusation, qui en est une purement gratuite. Il y a ensuite les considérations qui se rattachent à la réserve de mesures introduites par le ministère au vu et su de Son Excellence qui, loin de s'y opposer, en approuve l'introduction. Maintenant qu'il soit bien entendu que ce n'est pas au fait ni au droit de cette réserve que nous sommes opposés, car on prétend que nous avons voulu gêner l'exercice de la prérogative; mais voici ce à quoi nous ((nous)) objectons, c'est de nous laisser dans l'ignorance que nos mesures ne seront pas sanctionnées, ou qu'elles seront réservées pour être envoyées en Angleterre y subir le bon plaisir de Sa Majesté. Nous aurions voulu connaître à cet égard quelles étaient les intentions de l'individu distingué qui est à la tête du gouvernement.

Nous n'avons jamais objecté à l'exercice de la prérogative. On a prétendu que nous nous étions formalisés à l'occasion de l'exercice du patronage touchant un emploi subalterne de greffier, mais c'est-là une imputation absurde et ridicule; je pourrais citer des nominations à des emplois élevés, comme celle à la présidence du conseil législatif, relativement auxquelles on n'a pas daigné nous consulter. Que dans le temps même où nous présentions notre bill pour la suppression des sociétés secrètes, et qu'on nous taxait de mystification (humbug) un orangiste était appelé à remplir un emploi sans qu'on daignât nous en avertir! Il est clair, après de pareils faits, que nous ne pouvions plus rester en office sans sacrifier nos principes et sans tromper le parlement et le pays qui nous honoraient de leur confiance. Le gouvernement responsable est donc remis en question. Je tiens à la main un livre précieux, publié à Londres, sur le sujet et dont chaque page vient à l'appui de notre position. J'en lirais des extraits si je ne craignais de trop occuper le temps de la chambre, mais cela n'est pas nécessaire d'ailleurs, la question est déjà suffisamment appréciée par le pays. On a voulu aussi se rejeter sur ce qu'on a appelé la question d'opportunité, mais un mot suffit pour détruire cette prétention, c'est celui d'antagonisme prononcé par l'individu distingué qui est à la tête du gouvernement, et après cet aveu de sa part rien ne nous aurait justifié de rester une heure de plus en office.⁵²

SIR A. N. MACNAB - If the Executive Council were to rule the House of Assembly and appoint the Legislative Council also, the Governor must be powerless. With regard to the concession of Responsible Government, he looked upon it as rapidly leading to a separation from the mother country. The honorable and gallant knight here reviewed the changes that this system had produced in the heads of departments, and sarcastically commented upon the benefits to be derived from it. Mr. Holmes had also changed his opinions and become a convert to French politics and responsible government,

having, according to his own statement, been for a long time in a state of delusion as to such matters, owing to the opinions advocated by the newspapers. The member for Rimouski had on one occasion taunted the member for Hastings with having voted for himself. - Here was not only to be seen a desire to do so on the part of those hon. members (the late administration) but they also advocated their own cause. Sir F.B. Head had acted as an honourable man, and when he appealed to the people, it was shown by those who were returned to Parliament how it was responded to. The University bill he (Sir A. N. McNab) felt convinced never could have passed. And with reference to the Secret Societies bill, the government had themselves appointed Orangemen to be judges when it suited their views. Grateful, however, to his Excellency for having acted as he had, the Orange Societies had of their own accord dissolved. Having said thus much, he considered the debate should be postponed.⁵³

M. DURAND parle en faveur du gouvernement responsable et du ministère qui vient de résigner. Il dit que malgré toute la popularité et les vertus que veut bien s'attribuer l'honorable membre pour Hamilton (Sir Allan), il croit fermement que l'honorable et savant procureur général, pour le Haut-Canada, sera encore élu de préférence à lui (Sir Allan) en aucun lieu de Haut-Canada. Que le pays sera reconnaissant de la noble conduite du ministère, et le soutiendra, et c'est ce que va prouver le vote de confiance de cette chambre.⁵⁴

MR. CHRISTIE thought His Excellency's rejoinder contained an impeachment of the members of the ex-Ministry and that they were now on trial before the House. He would support the motion.⁵⁵

M. G. SHERWOOD ne peut nier que le gouvernement responsable a été concédé, mais il ne peut comprendre ce que c'est, et aimerait qu'on attendrait (sic) des éclaircissemens de la part des autorités impériales.⁵⁶ It seemed now as little understood as in Sir F.B. Head's time.⁵⁷ Il avoue qu'il est temps de résoudre la question d'une manière définitive. Le pays en a déjà été assez occupé, il faut en finir une fois pour toutes. Mais on doit donner au gouverneur le temps de former une administration, et alors les explications pourront se donner de part et d'autre pleinement. Que le gouverneur n'a pas eu le temps, qu'on ne lui a pas donné le temps de former un ministère, et croit qu'en ce cas le seul moyen qui reste à Son Excellence ce serait de dissoudre le parlement.⁵⁸ He hoped the debate would not be forced to a conclusion that night but that honourable members would have a fair opportunity of expressing their opinions on so momentous a question.⁵⁹

MR. MURNEY affirmed that the resignation of the ministry at such a time tended to embarrass the government, retard improvements, and injure our credit in Great Britain. As to the right of appointing to office, which in a substantial point of view was what the Executive council claimed, in the Victoria District they (the Council) had appointed a mere boy to be judge, who was editing a political paper to suit his own partizans, (Hear, hear,) and it was to such an one that the liberties and properties

of the inhabitants were to be entrusted. (Hear.) The member for Niagara had grown rich by the receipt of public money, and now when it suited him he changed his opinions, - those of his whole previous life. As an instance of the purity of the late administration with regard to patronage, at the election for Hastings, the committee of the member for Rimouski had offered to persons in the country, judgeships, collectorships, and appointments to the magistracy. This was a pretty faithful comment on their impartiality.⁶⁰

M. le COLONEL PRINCE dit qu'il s'agit tout simplement de savoir si les ministres ont droit à l'expression des regrets de cette chambre, pour avoir résigné à cause du principe qui leur mérite la confiance du pays. Les résolutions qui ont été adoptées par cette chambre en 1841 ont jeté les bases du gouvernement responsable. Je suis fier de voir que les ministres ont résigné sur les principes, et il est de notre devoir comme membres indépendants d'exprimer ouvertement et consciencieusement nos opinions de leur conduite, et de donner aussi la juste mesure des vœux bien entendu (sic) du peuple dont nous sommes les représentants. Je n'occupe pour ma part aucune place qui me mette sous le contrôle du gouvernement; je ne voudrais pas non plus accepter l'emploi le plus élevé qui soit à sa disposition, et je dirai pourquoi tout à l'heure. Nous devons donc comme membres indépendants, et voulant le bien du pays dire si nous approuvons la conduite du ministère, et que le temps où il a résigné était précisément le moment opportun pour en venir là, ainsi que je le crois moi-même, parce que, comme le gouverneur général le dit dans sa réponse à la note collective de l'honorable et savant procureur-général pour le Bas-Canada et de ses collègues, ce ne fut que samedi, qu'il leur dit pour la première fois, qu'il y avait un esprit d'antagonisme entre eux, d'une part et lui de l'autre. Il me semble qu'après un pareil aveu de la part de Son Excellence, et fait encore à l'occasion de la revendication d'un droit constitutionnel de la part de ses conseillers, ils ne pouvaient pas hésiter un instant à offrir leur résignation. Quant aux documents distribués à la chambre, je crois que nous devons les accepter. Je ne vois aucune différence de fait importante entre les deux écrits. J'y vois deux opinions contraires sur la mise en opération du gouvernement responsable. Son Excellence ne paraît pas se croire obligé de consulter les ministres sur la nomination aux emplois. Je diffère entièrement de lui sur ce point. Je pense comme l'a dit ici l'honorable et savant membre vis-à-vis (M. Baldwin) qu'on ne peut l'empêcher d'exercer la prérogative, mais il ne doit pas le faire sans les consulter. On sent que des hommes d'honneur placés dans leur position et ne voulant pas se soustraire à leur responsabilité, devaient être mortifiés de voir le gouverneur agir ainsi, et nommer à des emplois des hommes connus pour être leurs antagonistes. Je n'ai jamais été plus surpris que lorsque j'ai su que leur voix consultative pouvait être l'objet d'un doute. Les résolutions de cette chambre avaient posé les principes du gouvernement responsable. L'honorable orateur fait la lecture de ces résolutions.⁶¹

That all the words after "That" in the said motion be struck out, and the following substituted: "the most important, as well as the most undoubted, of the political rights of the people of this Province, is that

of having a Provincial Parliament, for the protection of their liberties, for the exercise of a constitutional influence over the Executive Departments of their Government, and for Legislation upon all matters of internal Government."

That all the words after "That," in the said motion, be struck out, and the following substituted: "the head of the Executive Government of the Province being, within the limits of his Government, the Representative of the Sovereign, is responsible to the Imperial authority alone; but that, nevertheless, the management of our local affairs can only be conducted by him, by and with the assistance, counsel and information, of subordinate Officers in the Province."

That all the words after "That," in the said motion, be struck out, and the following substituted: "in order to preserve, between the different branches of the Provincial Parliament, that harmony which is essential to the peace, welfare and good Government, of the Province, the chief Advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the representatives of the people, thus affording a guarantee that the well understood wishes and interests of the people, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will, on all occasions, be faithfully represented and advocated."

That all the words after "That," in the said motion, be struck out, and the following substituted "the People of this Province have, moreover, a right to expect from such Provincial administration, the exertion of their best endeavours that the Imperial authority, within its constitutional limits, shall be exercised in the manner most consistent with their well understood wishes and interests."⁶²

((Il continue:)) Quels sont les officiers qui, aux termes des ces résolutions, aideront de leurs avis et de leurs conseils le gouverneur à conduire les affaires du pays? Ne sont-ce pas précisément ceux qui viennent de résigner? Oui, et cependant on refuserait de les consulter! L'individu distingué qui est actuellement à la tête du gouvernement devait savoir que ces résolutions existaient et que le système responsable avait été reconnu aussi sous sir Charles Bagot, et il devait s'en tenir là. Quel homme croira que les ministres ont été induits à accepter le pouvoir pour aucun motif d'intérêt personnel? Qu'on ne me parle pas des douceurs du pouvoir, je sais trop ce qu'il en coûte pour y arriver et pour s'y maintenir ensuite avec honneur. Voilà ce qui doit empêcher tout autres (sic) que ceux qui sont capables du plus grand dévouement à la chose publique de prétendre à tant de responsabilité. C'est à leur grand sacrifices (sic) que les hommes honorables qui viennent de résigner se maintenaient en office. Croyez vous que j'ignore ce que donne la pratique au barreau pour croire que c'est pour leurs salaires que ces messieurs tiennent à leurs places? aux prétendues douceurs du pouvoir comme on dit? Je déteste cette fausse idée. Le pouvoir pour eux était une vie de peine et de travail, une mission d'abnégation, et j'espère qu'on leur en sera reconnaissant; j'espère en Dieu que le pays les soutiendra, et leur donnera la récompense due à leurs travaux et à leurs vertus. L'hon. et savant membre pour Lennox et Adington (M. Cartwright) a prétendu qu'on allait mettre le gouverneur général en accusation parce qu'il s'agit de savoir si les ministres devaient résigner ou

non. Cette prétention n'est pas soutenable. Personne ne s'est avisé de mettre Son Excellence en jugement, et il n'est personne qui ne croie que, tout en étant dans l'erreur par rapport à son refus de consulter ses conseillers, ses motifs n'aient été parfaitement honnêtes. Le même hon. membre s'est laissé entraîner par son amour pour l'ancien régime à pronostiquer sur le sort de la connexion entre la colonie et sa métropole si le gouvernement responsable devait continuer. Je ne menacerai pas, je suis partisan du gouvernement responsable, il fut introduit par un des plus habiles hommes d'Etat de l'Angleterre, lord Sydenham, reconnu par le parlement provincial et depuis continué jusqu'à présent, et l'hon. membre ne doit pas être surpris si je lui dis en bon anglais que je soutiendrai à tout risque et du mieux qu'il me sera possible le principe du gouvernement anglais, et cela sans aucune hésitation. (Aprobation (sic).) L'hon. membre secoue la tête, mais je ne lui en ai pas encore vu secouer un argument contre la doctrine de la responsabilité. (Hilarité.) J'étais partisan des vues de lord Sydenham là-dessus. On a décrié ceux qui viennent d'abdiquer le pouvoir, on a prétendu qu'ils voulaient se soutenir par la corruption et l'intrigue. J'ai été un de leurs appuis, je l'ai été consciencieusement, je pouvais peut-être aussi leur être utile en-dehors de cette chambre, m'en ont-ils pour tout cela fait quelque proposition? Du tout. Leurs principes, leur conduite, tout jusqu'à leur négligence à mon égard me porte à appuyer la motion. Par exemple il a été nommé à des emplois dans ma localité des gens sur lesquels il était à présumer que je possédais quelque influence, ou que je connaissais bien. M'ont-ils consulté? Jamais. En faut-il davantage pour repousser l'accusation calomnieuse de corruption et d'intrigue lancée contre eux? Ils étaient trop élevés dans leurs vues pour condescendre à de tels moyens. Je maintiens qu'ils avaient le droit de conseiller Son Excellence sur ses nominations aux emplois, et de l'éclairer sur les conséquences de choix faites (sic) parmi leurs ennemis, et que sur son refus de requérir leurs avis, de s'éclairer de leur (sic) lumières, ils avaient raison de résigner. Il s'agit maintenant de savoir si le pays doit les approuver?⁶³

((Suivent)) Acclamations et cris de: "Oui! oui!" dans toute la Chambre.⁶⁴

Une voix ((M. MURNEY)) s'écrit: "Non!"⁶⁵

((M. PRINCE dit:)) Mon honorable ami pour Hastings (M. Murney) dit que non. Eh bien! moi je dis qu'oui, et je suis persuadé que si nous devons retourner à nos électeurs, il ne pourra en résulter qu'un grand surcroît de force pour les ministres résignataires. Je vote pour la motion.⁶⁶

MR. HENRY SMITH - With reference to the member for Essex's admiration of the late government, he would like to know what government he was ever opposed to? No! discreet and cautious, the hon. and learned member always looked around him and voted with the strongest party. (Hear, hear.) His opinions would no doubt be supported by a majority in the House, but they would do him but little credit out of it. (Hear, hear.)⁶⁷

MR. CAMERON rose and said, that at this late hour, and at this stage of the debate, it was always unpleasant to rise, but the question was one of such vast import that he could not let his vote go to the country without his reasons for the conclusion at which he had arrived. The motion now before the chair was, for the postponement of this question, although the motion was only just now put into the Speaker's hand; the question had been debated for the last hour, but without one tangible argument having been advanced in its favor. The main question should now be taken. The wheels of Government are stopped - public business is suspended, and the public credit in jeopardy, and what is the cause of this state of things; he (Mr. C.) would not follow honorable gentlemen into statements, or opinions, or details of, or connected with the late administration. The whole question was easily collected and dealt with from the Message of His Excellency the Governor General; in that document His Excellency clearly defined his idea of Responsible Government; it was there stated he did not admit that he was bound to consult his Council; and that he had, and would continue to exercise his own judgment without reference to them. This, Sir, is a plain, honest fact, and the one with which we have to deal, and involves truly and tangibly the practical working of Responsible Government. He (Mr. C.) said his mind was clearly made up on this subject, and it was this; the Governor General was bound to consult his Council, and apprise them constantly of all his acts, although he (Mr. C.) as readily granted and desired emphatically to assert that the Governor General had a perfect right, nevertheless, to act contrary to their advice. Much has been said, and great weight laid upon the point of the Council, demanding a stipulation or agreement on the part of the Head of the Government; this he (Mr. C.) again asserts emphatically, His Excellency could not assent to without compromising and degrading the Prerogative of the Crown; but although no such stipulation or agreement could be made in writing or otherwise, it was just as certain that it must be carried out in practice; and whatever oratory may have been displayed, whatever ridicule may have been employed to point out its absurdity, and the humiliating position in which it would place His Excellency the Governor General, he (Mr. C.) could only remark that they applied with full force to the Sovereign. - The Sovereign of England was not supposed to have any party politics, or if he (Mr. C.) might so speak, any political conscience. Her Majesty went on as happily and cheerfully with the Tories as with the Whigs; and the views and wishes of the people, as expressed through their Representatives were fully carried out, and such is what he (Mr. C.) desired should be done in this country, and which he would assert (as the late Attorney General had asserted) the people of this country will have carried out - not by force, Sir - no such idea was thrown out, but by union and firmness, and he would say he felt assured this principle would be maintained by the people of United Canada. This was no new question in Upper Canada. In 1836 it was brought before the country by Sir Francis Bond Head; and although at the elections, Sir F.B. Head carried his point, he (Mr. C.) would not say how, or by what means or on what representations, but admit Sir Francis carried his point; but did that settle the question? No, Sir. The principle had been agitated, had taken hold of the feelings

of the people, and time only deepened those feelings, and at the last election the men who maintained it, were returned to this House, while they who repudiated it, ((retired)) from the hustings with disgrace; and such will be the result again. He could not conceive how any Colonist could oppose a principle which exalted them and their country. True it was, men of liberal views and talent in the House and out of it, opposed the question at first, but on what grounds? Because they thought it too good - too great to be conceded by the Imperial Government; but the question once conceded, these would be the last men to yield one particle of that which the value of which they knew so well. He had prepared himself with reference to authority and books; but the hour was too late, and he would only trouble the House with reference to a book on Responsible Government, published some time ago by a gentleman once a member of the Assembly of Upper Canada, a man holding the high position of Provincial Grand Master of the Orange Lodges of British North America.⁶⁸

Name him.⁶⁹

((MR. CAMERON continued:)) The Honorable and Gallant Colonel Gowan; and he would premise his remarks by stating, the passage to which reference was made, was not a matter of opinion with Mr. Gowan, to whose opinion he did not usually bow, but to a fact of history, of which all could judge. Mr. Gowan, after pointing out the fallen and miserable state of the Province, the evil consequences of irresponsible Government, on the ruined finances, our people having discontent and dissatisfaction everywhere, he says, "Let us then have the blessings and benefits of peace, by local self-government and security, and suffer us no longer to a bitterer and more hostile feeling than at present exists. It is worthy of remark, that those of the old colonies which had the freest (sic) constitutions, remained the most loyal. Those in which the Crown retained the most power in its own hands, were the first to rebel; while those that had extended to them, the principle of even a partial responsibility, remained firm in their duty and allegiance, and were only torn from the parent state by the "pressure from without;" and many of them (Rhode Island for example,) retain to this day the Royal Charter, with slight modifications, as their Constitution;" and continued Mr. C., is this not consistent with common sense as well as with historical fact. England cares not, cannot care, who is our Attorney General, who is our public Accountant - who our Clerks of the Peace or any other officers; she only desires to control the international trade, the regulation of commerce and navigation; and hitherto no man has questioned her right to do this; is it not evident that the more our affairs are given up to our own management, the fewer causes of difficulty will exist between us and England. He would now say that he did not think those who advocated delay on behalf of the Governor General, spoke with any authority or spoke even His Excellency's sentiments; no; the Governor General is no political manoeuvrer; we may have had men who would desire to make popular capital out of the present crisis, who might desire to make confusion and embarrass the country; but no such conduct can proceed

from Sir Charles Metcalfe; he is far, far, above all intrigue; he has taken his stand on a principle which he conscientiously believes that he cannot relinquish without degrading the Prerogative; and he (Mr. C.) felt assured that His Excellency desired to know the opinion of this House, so that His Excellency might know how to act. It is satisfactory to every man who admires the exalted character of His Excellency, and gratifying to himself, that so far in this debate, not one word has been said disrespectful of His Excellency or impugning his motives, or conduct, in the slightest degree. With those remarks he would conclude, but he must reply to the insulting and unparliamentary personal attack made on himself by the member for Hastings, who, he regretted to see, was not in his place. He had asserted that he (Mr. C.) a creature of the Government, was sent to spy into Mr. Kelley's case at Toronto, for the purpose of dismissing him; he (Mr. C.) cared nothing for slander; it was a favourite motto of his that "character was the only shield against calumny;" but it was due to the Government to say that they had never sent him to any investigation of this kind in particular, nor had they ever given him (Mr. C.) instructions as to his line of duty, but left his generally to enquire into the state of the Revenue, and the men and measures employed in its collection; and what are the facts connected with these, the hon. member calls his dear friends - why, that the Sheriffs throughout all the Province of Upper Canada since 1827, had only paid into the public chest for fines, a sum of £1,100 - while in the past season he (Mr. C.) had caused them to pay over £700; these monies had been considered as a perquisite, and in this very Town not one shilling of fines (and there has been many hundreds collected) has ever been paid into the treasury until after Mr. McDonell left; and in the Customs some returned not even a half of what they had carelessly collected, and four times in the year swore to their accounts, and such is the character of his dear friends; but he (Mr. C.) must say that no such conduct is imputed to the gentleman dismissed at Toronto. It was his duty in June last to visit all the offices in Upper Canada; and then at Toronto he found great carelessness, irregularity and inefficiency; and returned at the close of the quarter to examine into the facts; and he reported fully and fairly, but not unkindly, on the whole case; these facts and all his reports and letters while in office, are public and now before the country, and by them he would stand or fall; but in this particular case he was charged with a want of candor; now the last thing he (Mr. C.) did on the wharf at Toronto, was to tell Mr. Kelley (to whom he (Mr. C.) had openly told every error he had discovered,) to proceed to Kingston, and on his (Mr. C.'s) way to Cobourg, told Mr. Manahan (Mr. Kelley's father-in-law) the same thing; and when His Excellency, on principle, refused to give Mr. Kelley the report, what was his (Mr. C.'s) conduct; he would tell hon. members that he immediately went to His Excellency, and requested that he might be allowed to furnish Mr. Kelley a copy, which was permitted to be read to Mr. Kelley in the presence of a gentleman, before whom Mr. Kelley asserted he had no fault to find with it.⁷⁰

((Il y a) quelques autres observations de l'honorable D.B. VIGER, qui n'ajoutent rien de nouveau ou d'important à son premier discours.⁷¹

((Il y a)) quelques mots prononcés par M. WAKEFIELD.⁷²

((SIR ALLAN MACNAB fait quelques remarques.))⁷³

(184)

And the House having continued to sit till after twelve o'clock, on Saturday morning.

Saturday, 2 December 1843

Mr. Henry Smith moved, seconded by Mr. Murney, that the Debate on the motion before the Chair be postponed until the next sitting of the House.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth;--

YEAS.

Messieurs BOSWELL, BOULTON, CARTWRIGHT, CHESLEY, CHILD, FORBES, FOSTER, HALE, HAMILTON, HARRISON, SIR ALLAN N. MACNAB, D. McDONALD, J.S. MACDONALD, MCLEAN, MERRITT, MORRIS, MURNEY, NOEL, PARKE, ROBLIN, SIMPSON, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, STEWART, THOMPSON, THORBURN, TURCOTTE, D.B. VIGER, WAKEFIELD, and WOODS.--(31.)

NAYS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOUTILLIER, BEAUBIEN, CAMERON, CHABOT, CHRISTIE, CRANE, DERBISHIRE, DE WITT, DUNN, DURAND, GILCHRIST, HINCKS, HOLMES, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, MOORE, MORIN, PAPINEAU, PRICE, PRINCE, QUESNEL, SMALL, TACHE, and L.M. VIGER.--(32.)

So it passed in the negative.

Mr. George Sherwood then moved, seconded by Mr. Henry Smith, that the Debate be postponed until the next sitting of the House.

The question having been put upon the said motion, a division ensued, and it was carried in the affirmative, and,

Ordered, accordingly.

Orders post-
poned.

Ordered, That the remaining orders of the day be
postponed until the next sitting of the House.

Then on motion of Mr. Simpson, seconded by Mr. J.S. Macdonald.
The House adjourned.

FOOTNOTES - 1 DECEMBER 1843.

1. LA MINERVE, 11 December 1843.
2. IBID.
3. IBID.
4. IBID.
5. The debate on this matter was reported in: KINGSTON CHRONICLE, 2 December 1843, copied by MONTREAL TRANSCRIPT, 7 December 1843; KINGSTON CHRONICLE, 6, 9 December 1843; LA MINERVE, 7, 11, 14, 18 December 1843; LE CANADIEN, 11 December 1843; EXAMINER, 13 December 1843; and BRITISH COLONIST, 8 December 1843. There is a commentary in MONTREAL TRANSCRIPT, 7 December 1843.
6. LA MINERVE, 11 December 1843.
7. KINGSTON CHRONICLE, 6 December 1843.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. BRITISH COLONIST, 8 December 1843.
13. IBID.
14. IBID.
15. IBID.
16. IBID.
17. KINGSTON CHRONICLE, 6 December 1843.
18. IBID.
19. IBID.
20. IBID.
21. KINGSTON CHRONICLE, 9 December 1843.
22. LA MINERVE, 11 December 1843.
23. KINGSTON CHRONICLE, 9 December 1843.
24. LA MINERVE, 11 December 1843.
25. LA MINERVE, 14 December 1843.
26. IBID.
27. IBID.
28. BRITISH COLONIST, 8 December 1843.
29. LA MINERVE, 14 December 1843.
30. IBID.
31. IBID.
32. KINGSTON CHRONICLE, 2 December 1843.
33. BRITISH COLONIST, 8 December 1843.
34. IBID.
35. KINGSTON CHRONICLE, 2 December 1843.
36. LA MINERVE, 18 December 1843.
37. IBID.
38. KINGSTON CHRONICLE, 2 December 1843.
39. LA MINERVE, 18 December 1843.
40. IBID.
41. IBID.

42. IBID.
43. IBID.
44. IBID.
45. IBID. In LA MINERVE the sum has been left blank; we have filled in this blank with the sum given in the BRITISH COLONIST, 8 December 1843.
46. LA MINERVE, 18 December 1843.
47. IBID.
48. IBID.
49. IBID.
50. IBID.
51. BRITISH COLONIST, 8 December 1843.
52. LA MINERVE, 18 December 1843.
53. BRITISH COLONIST, 8 December 1843.
54. LA MINERVE, 18 December 1843.
55. KINGSTON CHRONICLE, 2 December 1843.
56. LA MINERVE, 18 December 1843.
57. BRITISH COLONIST, 8 December 1843.
58. LA MINERVE, 18 December 1843.
59. KINGSTON CHRONICLE, 2 December 1843.
60. BRITISH COLONIST, 8 December 1843.
61. LA MINERVE, 18 December 1843.
62. JOURNALS, 3 September 1841, pp. 480-482.
63. LA MINERVE, 18 December 1843.
64. IBID.
65. IBID.
66. IBID.
67. BRITISH COLONIST, 8 December 1843.
68. KINGSTON CHRONICLE, 6 December 1843.
69. IBID.
70. IBID.
71. LA MINERVE, 18 December 1843.
72. IBID.
73. IBID.

SATURDAY, 2 DECEMBER 1843.

10 O'Clock. A.M.

(184)

Five Petitions
brought up.

THE following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Solicitor General Small--The Petition of Thaddeus Patrick, a junior Clerk, in the office of the Legislative Assembly.

By Mr. Stewart--The Petition of Thomas Higginson and others, Inhabitants of Hawkesbury and other townships, in the District of Ottawa.

By Mr. J. S. MacDonald--The Petition of the Elders, Trustees, and Members, of the Presbyterian Congregation of Lochiel.

By Mr. Jobin--The Petition of the Rev. A. Duransaux, and others of the Parish of Lachine and other places.

By Mr. Johnston--The Petition of John Chesser and others, Inhabitants of the District of Ottawa.

Vehicles con-
veying manure
exempted from
Toll.

An Engrossed Bill to exempt Vehicles conveying manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads, was read for the third time:--

(185)

Resolved, That the Bill do pass, and the Title be "An Act to exempt Vehicles conveying manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads, and for other purposes therein mentioned."

Ordered, That the Honourable Mr. Neilson, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of James Hodgins and others, Inhabitants of the Township of Biddulph, in the District of Huron; praying that the Township of Williams may not be detached from the District of Huron.

Of George McLeod and others, Inhabitants of the Township of Stephen, in the District of Huron; praying that the Township of Williams may not be detached from the District of Huron.

Bankrupts'
Estates.

Ordered, That Mr. Boswell, the Honourable Mr. Morin, and Mr. Roblin, be added to the Select Committee, to which was referred the Engrossed Bill from the Legislative Council, intituled, "An Act to Repeal an Ordinance of Lower Canada, intituled "An Ordinance concerning Bankrupts and the Administration and distribution of their Estates and Effects," and to make provision for the same object throughout the Province of Canada," and another reference, and that the Quorum of the said Committee be five Members.

On motion of Mr. Morris, seconded by Mr. Williams,

Cyprian Morgan
and others.

Ordered, That the amendments made by the Legislative
Council to the Bill, intituled "An Act to
naturalize Cyprian Morgan and others," be now

taken into consideration.

The House proceeded accordingly to take the said amendments into
consideration.

And the said amendments were read, and are as followeth:--

Press 1. Line 7 --Leave out "and".

Press 1. Line 8 --After "Yeoman" insert "Jacques Adrien Pierre Barbier,
of the Town of Kingston, in the Midland District,
Gentleman, and Euphrasie Barbier, his wife."

Press 1. Line 25--Before "Alexis" leave out "and".

Press 1. Line 25--After "Chandler" insert "Jacques Adrien Pierre Barbier,
and Euphrasie Barbier, his wife."

Press 1. Line 35--After "to" leave out all the words to "office" in the
fortieth line, inclusively, and insert "be entitled to
the benefit of this Act, shall take and subscribe the oath hereafter
inserted, or being of the persons allowed to affirm, have made the affirma-
tion hereafter mentioned, before some person duly authorized to administer
the oath contained in an Act of the Parliament of this Province, passed
in the Session held in the fourth and fifth years of Her Majesty's Reign,
and intituled "An Act to secure to and confer upon certain Inhabitants
of this Province, the civil and political rights of natural born British
Subjects," and that such oath or affirmation so taken and subscribed,
shall be entered in the Book of Registry kept by the person so authorized
to administer such oath or affirmation under the provisions of the Act
hereinbefore mentioned."

Press 1. Line 40--After the first Clause, insert the following Clause:

"And be it enacted, that the persons hereinbefore
mentioned, shall severally take and subscribe the following oath:

"I, A.B., do sincerely promise and swear (or affirm, as the case may
be), that I will be faithful and bear true allegiance to the Sovereign
of the United Kingdom of Great Britain and Ireland, and of this Province,
as dependent thereon. So help me God."

And the said amendments being again read, they were agreed to by the
House,

Ordered, That Mr. Morris do carry back the said Bill to the Legislative
Council, and acquaint their Honours that this House hath agreed to
their amendments.

Religious So-
cieties' Land.

Resolved, That a Conference be desired with the
Honourable the Legislative Council, for the
purpose of communicating to them, the reasons
which induced this House not to concur in the amendments made by their
Honours to the Bill, intituled, "An Act to enable Religious Societies
of all denominations of Christians (in that part of the Province called
Upper Canada) to hold the Lands requisite for certain purposes therein

mentioned."

Ordered, That Mr. Williams do go to the Legislative Council, and desire the said Conference.

Lands Surveyors
U. Canada.

Mr. Forbes from the Committee of the whole House, on the Bill, to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in Upper Canada, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

An engrossed Bill to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors and the Survey of Lands in Upper Canada, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Parke do carry the said Bill to the Legislative Council, and desire their concurrence.

Industrial
Farm.

Mr. Harmannus Smith, from the Committee of the whole House on the Bill, to authorize the Court of Wardens for the County of York, or the Mayor, Aldermen, and Commonalty, of the City of Toronto, to purchase an Industrial Farm in the neighbourhood thereof, and for other purposes relating thereto, reported, according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

An engrossed Bill to authorize the Court of Wardens for the County of York, or the Mayor, Aldermen, and Commonalty, of the City of Toronto, to purchase an Industrial Farm in the neighbourhood thereof, and for other purposes relating thereto, was read for the third time.

(186)

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Boulton do carry the said Bill to the Legislative Council, and desire their concurrence.

Contingencies.

Mr. Cameron, from the Committee of the whole House, on the fifth Report of the Standing Committee on Contingencies, reported, according to order, the Resolution of the said Committee, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved, That an humble address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to issue his Warrant, in favor of William Burns Lindsay, Esquire, the Clerk of this House, for the sum of nine thousand one hundred and seventy-seven pounds, five shillings, currency, towards defraying the contingent expenses of this House, during the present Session,

in such sums as occasion may require, and assuring His Excellency that this House will make good the same.

Ordered, That Mr. Thorburn, Mr. Cameron, Mr. Merritt, and Mr. Morris, do present the said Address to His Excellency, the Governor General.

Common Schools
Indemnity.

Ordered, That the Honourable Mr. Morin have leave to bring in a Bill, further to provide for the establishment and maintenance of Common Schools, and also to grant an indemnity for the payment of certain portions of the School moneys for the year 1842, and further to provide for the apportionment and distribution of the balance of the said moneys for the years 1842 and 1843.

He accordingly presented the said Bill to the House, and the same was received and read for the first time.

Ordered, That the said Bill be now read a second time.

The said Bill was accordingly read a second time.

Ordered, That the said Bill be engrossed.

An engrossed Bill, further to provide for the establishment and maintenance of Common Schools, and also to grant an indemnity for the payment of certain portions of the School Moneys for the year 1842, and further to provide for the apportionment and distribution of the Balance of the said moneys for the years 1842 and 1843, was read for the third time.

Resolved, That the Bill do pass, and the Title be "An Act further to provide for the establishment and maintenance of Common Schools, and for apportioning the Fund for the support of the same, and also to grant an indemnity for the payment of certain portions of the School Moneys for the year one thousand eight hundred and forty-two; and further to provide for the apportionment and distribution of the balance of the said moneys for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three."

Ordered, That the Honourable Mr. Morin do carry the said Bill to the Legislative Council, and desire their concurrence.

Message from
Leg. Council.

A Message from the Legislative Council by John Fennings Taylor, Esquire one of the Masters in Chancery.

Legislative Council,
Saturday, 2nd December, 1843.

Religious So-
cieties Land
Bill.

Ordered, That one of the Masters in Chancery do go down to the Legislative Assembly and acquaint that House, that the Legislative Council agrees to the Conference desired, for the purpose of communicating the reasons which induced the Assembly not to concur in certain amendments made by this House to the Bill, intituled, "An Act to enable Religious Societies, of all Denominations of Christians in that part of the Province called Upper Canada, to hold the Lands requisite for certain purposes therein mentioned," and that the Managers on the

part of this House are to be the Honourable Messieurs Sullivan and Fergusson, who are to meet the number as Managers, on the part of the Legislative Assembly required by Parliamentary usage, and that the time of the Conference be presently, and the place, the Committee Room of the Legislative Council.

Attest,

Charles DeLéry.
Deputy Clerk, Legislative Council.

Resolved, That four Managers be appointed to meet the Managers appointed by the Legislative Council, at the time and place appointed for the holding the Conference desired upon the amendments, made by their Honors to the Bill, intituled, "An Act to enable Religious Societies of all Denominations of Christians (in that part of the Province called Upper Canada), to hold the Laws requisite for certain purposes therein mentioned.

Ordered, That Mr. Williams, the Honourable Mr. Solicitor General Small, Mr. Boswell, and the Honourable Mr. Hincks, be appointed Managers, on the part of this House.

Resignation of
Ex. Council.

According to order, the House resumed the Adjourned Debate on a motion made by Mr. Price yesterday, viz:--

"That an humble Address be presented to His Excellency the Governor General, humbly representing to His Excellency, the deep regret felt by this House, at the retirement of certain Members of the Provincial Administration, on the question of their right, to be consulted on what this House unhesitatingly avows to be the Prerogative of the Crown,--appointments to Office; and further to assure His Excellency that their advocacy of this principle entitles them to the confidence of this House, being in strict accordance with the principles embraced in the Resolutions adopted by this House on the 3rd September, 1841."

And the said motion being again read;

Mr. Wakefield moved in amendment thereto, seconded by Mr. Simpson, that all the words after "That" in the said motion, be struck out, and the following substituted:

"According to the principles of the British Constitution as declared to exist in this Province by the Resolutions of the House of Assembly, of the 3rd September 1841, the Members of the Executive Council are responsible to the People and to this House as the Representatives of the People, for the exercise of every Royal Prerogative within this Province, and that consequently inasmuch as it would be most unjust to subject any man to responsibility for acts in which he had not participated, it is indispensable that the Royal Prerogative be exercised by His Excellency the Governor General, with the advice of the Members of his Executive Council.

"That according to the aforesaid principles of the British Constitution, the Provincial Representative of the Sovereign, cannot be

responsible, or in any way accountable, for the exercise of any branch of the Royal Prerogative to any Provincial Authority whatever; and therefore that he cannot constitutionally enter into any pledge, engagement or assurance with the Members of the Executive Council, or with any other person or persons in the Province, respecting the future exercise of the

(187)

Prerogative.

"That the well known practice of the British Constitution recognizes one effectual means, and no other, of securing the observance of the aforesaid principles, namely, the Resignation of the Members of the Executive Council, whenever, on an occasion of sufficient importance to warrant the application of that legitimate check upon the exercise of the Prerogative, the Governor General, shall have failed to ask, or refuse to follow, their advice in some particular case or cases; but that if the Head of the Government were to enter into any general engagement with the Members of his Executive Council, or even with this House, binding himself in anywise, whether directly or by implication, as to the future exercise of any of his functions as the Representative of the Sovereign, he would openly divest the Crown of its acknowledged Prerogative, degrade the Royal Office into obvious and proclaimed subordination to the Executive Council, and most seriously impair the Constitution which it is the glory of this Province to possess."

((MR. WAKEFIELD said:)) These resolutions had been prepared with as firm a conviction as was entertained by any member of the House, not excepting the hon. and learned member for Rimouski, that there could be no good Government in this Colony, unless the principles of Responsible Government set forth in the resolutions adopted by the House in September 1841, and forming part of the journals, were fully and fairly carried into effect. But it appeared to him that those resolutions dealt with only one of the two great branches of the subject of Responsible Government. In his view of them they dealt only with the responsibility of the members of the Executive Council to that House as the representatives of the people, and scarcely at all, not at all except as they contained two or three expressions such as "Provincial Administration," with the relations between the Executive Council and the representative of the Crown. They laid down most distinctly that the members of the Council must resign office whenever they could no longer command a majority in that House, but they declared hardly any thing more. But a question had now arisen on the other, the equally important, branch of Responsible Government. Responsible Government, as it is called here, was not a creation of yesterday; it had existed for more than a century and a half in the mother country; and though it had been tried elsewhere, it had really worked well in no other part of the world. In his opinion it was this constant responsibility of the rulers to the people, which had been the main cause of the great prosperity, and of the wonderful influence and power of those small islands which compose the United Kingdom. In England responsible government began in 1688, with that revolution of

1688, which we Englishmen proudly call "the glorious revolution": and to that revolution they might trace the existence of the right they were then exercising - the right of freely expressing their opinions to the head of the government. The revolution of 1688 established the British constitution; and it was by reference to that constitution, which had never been written, which he believed would have perished if it had been written, that they were bound to examine the question before the House. Well, the Crown of England could perform no act, could exercise no Prerogative whatever, without the advice of Ministers who were responsible to Parliament for the advice given; and whenever the Crown acted without or against their advice, it was their duty to retire from office. This was the doctrine of the British Constitution on the second branch of the subject of Responsible Government. In England since 1688 many a case had occurred of a difference between the Ministers and the Crown, and of a resignation of the Ministers accordingly; but he was perfectly satisfied that no case had occurred, nor anything like a case, in which the Ministers had waited upon the Sovereign and asked whether or not he would exercise his Prerogative in accordance with their advice; still (sic) less had there been a case in which the Ministers had asked the crown to enter into an engagement with them respecting the future exercise of the Prerogative. The history of England, he stated it with absolute confidence, furnished no example of the sort. In England a resignation of Ministers upon a point of difference between them and the crown, occurred in this way: when the crown took or contemplated taking some step in the exercise of the prerogative, whether concerning a measure before Parliament or an appointment under the crown, of which the ministers disapproved, then they met the King in the Royal Closet, stated their objection to the particular act, and respectfully tendered their resignation. The resignation being accepted, they asked of the King that they might be allowed to explain in the Houses of Parliament the cause of their resignation. Sometimes this permission is granted; sometimes it is refused; but whenever it is refused, the subject of difference between the Sovereign and his ministers is kept absolutely secret. When the permission is granted, a minister in each House makes a plain, unadorned, unreasoned, naked statement of the fact, and there the matter ends as respects explanation, or even remark on the conduct of the Sovereign. Afterwards it rests with the House of Commons to declare its confidence or want of confidence in the ministers who have resigned. If Parliament declares want of confidence, the ministers stay out of office; if it declares confidence, then the Sovereign either recalls his Ministers or makes a final appeal to the people by means of a general election. The working of the Constitution receives a slight apparent shock, but in fact there has been no danger, and all goes on smoothly as before. That he asserted to be the invariable practice in England. But what was the case then presented to the House? No appointment made against or without the advice of Ministers; no point stated upon which that House could decide whether the ministers had done well or ill. According to the statement before them there existed between the Governor and his Council no difference of view upon any particular exercise of the prerogative, but in consequence of some real or imagined want of harmony between the Governor General and some

of His Council, they had called upon him, their Sovereign's representative to enter into an engagement with them to the effect that in future he would make no appointment without receiving their advice upon it. They had required him to declare whether or not, yea or nay, he would in future exercise the prerogative in a particular manner; and he had refused to enter into the engagement required of him. That was the real unquestionable point of difference. Now, he (Mr. Wakefield) felt persuaded, forming his judgment on the well known principles and practice of the British Constitution, that if the Gov. General had acceded to the proposal of his ministers, he must have been recalled by his Sovereign for having degraded the Royal Office in this Province, and impaired the Constitution. It was his bounden duty to refuse compliance with the proposal made to him. It had been said that the people would never understand the difference between resignation on a particular fact and resignation because the Governor General had refused to enter into an engagement for the future. That was the distinction which his (Mr. W's) resolutions pointed out, and he believed that it would be instantly and perfectly understood in the Imperial Parliament. If the question should be discussed there (and there it must be discussed, if the resolution before the House should be passed) there could be no doubt that Parliament (sic) would pronounce this opinion upon it - that the late Provincial administration had done wrong in even entering into discussion with His Excellency on the subject of the future exercise of the prerogative. He would say with perfect confidence that that must be the opinion of the people as well as of the Parliament of England. They would not permit any Royal prerogative to be abandoned, or any function of the Royal office to be degraded, whether at home or in a Colony. He (Mr. W.) begged the House to believe that he did not wish to be understood (sic) to mean, that the Imperial Parliament would make an effort to force upon this Colony the true English interpretation of the principles of Responsible Government, in contra distinction to that of the (he would not mention the hon. members (sic) name) hon. member for Rimouski. No; but he believed that the people of England would not consent that the Crown of England should be represented in any Colony by a President under the name of Governor General. He firmly believed they would say to this country; "Do as you please; we are wearied of your perpetual excitements and collisions, and scenes of strife, and civil war: if you insist on an interpretation of the constitution which goes to degrade the Crown, let us part in peace and with good feeling." If the House insisted on the view of the Constitution which the main resolution embodied, the people of England, and he believed the people of this country also, would refuse to let the Royal office be placed in that degraded position of inferiority to the Executive Council, in which the hon. member for Rimouski desired to place it. The subject must be discussed and examined, and would then be understood; and then the verdict of the people of this Province, and of enlightened opinion on this Continent, and of opinion in the mother country, would be against the hon. and learned gentleman. They had had the "field day" on the principle of Responsible Government predicted by the hon. and learned member for the Town of Niagara, but he (Mr. W.) wished to make some remarks with respect to the time chosen by the late Executive Councillors for discussing those principles. Some

members appeared certain that the Governor General's declared views on that subject must lead His Excellency to give a favorable answer to an address founded on the resolution before the House; whereas he (Mr. W.) felt quite as certain that the answer of His Excellency must be unfavorable. The representative of the Sovereign must of necessity say "I cannot and will not give the pledge required from me." In that case, what was to become of the public business, of those measures before the House of which the country stood in such urgent need? Surely, considering the wants of the country, and that there was no specific case on which the ministers had thought it necessary to resign office according to English usage, a more opportune time for their resignation might have been selected. The hon. member for Oxford (Mr. Hincks) had left the impression on the House, that a specific case on which he and his colleagues might have resigned, had occurred some time before the commencement of the Session. When reproached with the appointment of Mr. Stanton as Collector of Customs at Toronto, as if that had been an appointment made by the Governor General against the wish of the Executive Council, he remained silent and permitted the House to believe that in fact it was so.²

Interruption from MR. HINCKS.³

Yes, and he ((MR. WAKEFIELD)) would add that the late Inspector General would have taken a more candid and manly part by declaring, if the fact were so, that the appointment had been made with their advice. Even now it would be only candid and manly to speak out on the subject, if the House were laboring under a false impression.⁴

MR. HINCKS subsequently avowed that the appointment had been advised by the Executive Council.⁵

When he ((MR. WAKEFIELD)) was interrupted, he was going on to say that, as there was no specific case on which the late Ministers thought proper to resign office, as they resigned on general grounds which they could choose their own time for urging they might surely have waited a few weeks before entering into the controversy with the Governor General. If they knew, as they must have known, that the Governor would refuse compliance with their proposal, they must also have been quite sure that the collision would ensue which has now interrupted nearly the whole legislative business of the Session. They must also have distinctly foreseen the necessity of a general election. Was it possible that they might have expected to gain something for their party at a general election, by saying at the hustings that it was the Governor General who had put an end to the legislative business of the session? The hon. member for Rimouski had avowed himself a party man. He (Mr. W.) made the same avowal, (for he had voted as a party man with the hon. member for Rimouski, and had sometimes stretched a point in order to do so), and it struck him that a strong party man might look forward to gaining advantages in a general election, from so managing his resignation as a Minister as to place the head of the Government in an odious position before the country

(sic). There was no other way in which he could understand why the hon. member had not postponed his controversy with the Governor General until the close of the Session. He (Mr. W.) had now a few words to offer with respect to the purport of the vote which the hon. and learned member for South York (Mr. Price,) called upon the House to give. The proposed Address required the Governor, if he should give a favorable answer (sic) to it, to enter, by implication, with that House, into that very engagement into which His Excellency had refused to enter with his late Ministers. Such an engagement would be wholly unconstitutional, and they might be certain that the Governor General would not enter into it; but his (Mr. Wakefield's) resolutions, though they went further than those passed by the House in September 1841, though they completed what those resolutions had left undone with respect to Responsible Government, could yet, as a whole, receive the assent of His Excellency. They could do so, because in addition to what they affirmed, they denied that the Governor General could enter into any engagement on the subject. By transmitting his resolutions to the Governor General, and receiving a favorable answer from His Excellency, it would be shown that no real difference subsisted between His Excellency and the Reformers of the Province on the subject of Responsible Government; that the present difference was one between His Excellency and certain members of that House, who as Executive Councillors had called upon the head of the Government to enter into an engagement which the Constitution forbade him to make. His (Mr. W's) led to peace between the Assembly and the Governor, though by implication they condemned the Ministers who had retired. The resolution of the hon. and learned member (Mr. Price) led to immediate collision. - Let the House pass that resolution, and nothing could prevent a dissolution of the House and an appeal to the people. Was a general election on such a question to be desired? Would it not in the present state of the country be a great calamity? It certainly would with respect to Lower Canada, with which he (Mr. W.) was more particularly acquainted. The hon. member for Montreal (Mr. Holmes,) had made a statement with respect to the county of Beauharnois, in which he (Mr. W.) fully concurred. That county was Lower Canada in small. It contained 2000 French Canadian electors and more than that number of English. The two races in that county had been for years in a state of apparently irreconcilable (sic) hostility (sic). Their animosity towards each other was such that they scarcely ever met, and when they did so, the most careless observer could not fail to see that it was with a feeling of mutual repugnance. - That state of things had been produced by general and particular misgovernment. The county, like the Province, had been ruled by a knot of officials, who bestowed (he was now speaking of the county,) every local office of honor or emolument, not only upon one race, but upon a small portion of that race which was alone deemed worthy of the patronage of the Crown. It was in that way, though not quite to the same extent, that Lower Canada as a Province had been always ruled; it was in that way that Lower Canada had been ruled from 1837 down to that memorable day in 1842, when the letter of Sir Charles Bagot to Mr. Lafontaine announced to the people of this Province, that his Excellency had determined to bring into power some of that race which was then proscribed by the Government. - That letter

had established peace throughout Lower Canada, by pronouncing with respect the honored names of Girouard, Lafontaine and Morin. Shortly after the publication of that letter, he (Mr. W.) had proceeded to Lower Canada; and he declared that in the whole course of his life he had never witnessed a scene so gratifying to his feelings. He saw those hostile races meeting to shake hands in friendship. As to the principle of Responsible Government, which the hon. member for Rimouski said had brought the French Canadian gentlemen into power last year, he (Mr. W.) would say that it was but little understood by the people of Lower Canada out of the cities. He said that of both races equally. It was not the theory of Responsible Government which had taken hold of the imaginations of the people of Lower Canada; it was the justice which the practice of that theory involved, that had taken a strong hold of their inclinations. The French Canadians in particular felt that when a man recognised as a leader amongst them, a man in whom they had the utmost confidence, was made the Queen's Attorney General, the power of the law could be no longer unjustly directed against them. - For what were they now deprived of this great advantage? Because the Governor General refuses to give a pledge to the hon. and learned member for Rimouski, in accordance with his unconstitutional view of Responsible Government. It was for that that the whole French Canadian people were to be deprived of the political advantages which they had enjoyed during the last 14 months. The hon. and learned member for Rimouski had told them that the change which had taken place under Sir Charles Bagot, and which had brought him into power, was a change expressive of the success of his own favorite principle which the hon. and learned gentleman had so long contended for, and had then, as he fondly imagined, brought to a successful issue. He (Mr. W.) was sorry to be obliged to contradict the hon. gentleman on that point. The administration of Sir Charles Bagot was not formed on the principle of Responsible Government: it was formed avowedly and notoriously on the principle of doing justice to the French Canadian people as such, by admitting some of their leaders to a share in the government of their country. Was the present Governor General less desirous than Sir Charles Bagot, that a full measure of justice should be rendered to that people? Certainly not. What then could he (Mr. W.) say to his French Canadian constituents as to the cause of the change which had just now deprived French Canada of all influence in the Executive Government? He could only say, that it had been produced by a difference of opinion between the Governor General and the hon. and learned member for Rimouski (sic) upon the theory of Responsible Government.

But there might be another reason. It was doubtless of great importance to the hon. member for Rimouski, as an ambitious party man (he was sure the hon. gentleman would not object to that expression) to alter his position before the country. Before he came into power last year, he was the leader in that house of only four or five, or at the outside six, of the members for Upper Canada; and he was really brought into power by this and nothing else - by the sense of obligation towards him, and of political honor, which had induced the French Canadian leaders to refuse power unless the hon. gentleman were let into power along with them. He was brought into power by them: no man could deny it. What followed? It followed that the Honorable and learned member had occupied only a second rate position in that

House and before the Country. Not along (sic) ago (Mr. W.) had occasion to speak of the great power enjoyed in that House by the late At-(sic) General for Lower Canada (Mr. Lafontaine). He had not spoken of the power of the Hon. member for Rimouski. But what was the case now? In consequence of the demand which the hon. member for Rimouski and his colleagues (sic) had made upon the Governor General, that hon. gentleman, instead of being in the rear, was now in the van. Who would deny that? He (Mr. W.) fully believed the hon. and learned gentleman when he declared that he despised the sweets of office; but he was equally sure that the hon. gentleman, as an ambitious party man, was highly gratified at now occupying a far prouder and more important position before the country, than the position which he had occupied a week ago. In conclusion, he (Mr. W.) would offer some remarks on the consequences which must ensue from the success of the motion. If the motion were carried, that House must come into collision with the Governor General. Then the Governor General must appeal to the Home Government, and the Home Government will probably appeal to Parliament to know whether the demand of the hon. member for Rimouski is to be conceded. In a case of such vast importance, it would be well to look forward; to exercise the common discretion, to take the common precaution, of looking into the future. Let them suppose the House of Commons to decide that, according to the recognized principles of the Constitution the Governor General granting such a demand would deserve impeachment; that rather than allow the crown to be degraded in the person of its Representative, they would use force, or consent to a separation. Suppose that, and what then? Should they not be obliged to contemplate a resort to what had been called the ultima ratio of Kings? Would not the people of this Province be called upon to resist? and for what? To resist, when not in the right, when wanting the advantage of that just cause of quarrel which the American colonies possessed? Should they now, looking forward so far, enter on a contest with a Governor General who had passed over forty years of eminent public service without subjecting himself to a reproach, who had yet to make his first mistake, and who was constitutionally precluded from yielding to their demand? He (Mr. W.) thought he understood the cheers of an hon. gentleman opposite, and therefore wished to say that it was not until 9 o'clock on Monday last, (that is, on the day after the resignation of the ministers,) that he had had any communication in Canada with the Governor General upon the subject of Canadian politics. In England, indeed, Sir Charles Metcalfe, who was not then Governor General of Canada, who had then no Council to consult, had done him the honor to ask him many questions respecting the affairs of this Province; and he (Mr. W.) had seized the opportunity of pleading to the future Governor in favor of Responsible Government for United Canada, of justice to the French Canadians, and of a general amnesty for political offences. Nor had he neglected an opportunity of urging the necessity of a thorough reform of the Post Office of Canada. But when on his arrival here in fulfilment of a pledge to his constituents that he would attend one session of this Parliament, he had waited on the Governor General and received, like other members of that House, the hospitalities of his table, he found, and was not surprised to find, that his Excellency carefully abstained from all conversation upon the local politics of the day. That

was not an unimportant statement. He (Mr. W.) some weeks after his arrival had written to a friend of his in England, a member of the House of Commons, saying, "We have got Responsible Government: the Governor General does not talk politics with me."⁶

Derisive laughter from MR. AYLWIN.⁷

He ((MR. WAKEFIELD)) would give the hon. member another anecdote which would explain what he seemed not to comprehend. During the session of 1841, the Speaker had admitted within the bar of that House a stranger who had come to witness the proceedings of the first United Parliament, (he meant the hon. Mr. Howe, then the Speaker of the House of Assembly of Nova Scotia, where Responsible Government took root somewhat earlier than in Canada,) a gentleman who had been quite as successful as the hon. member for Rimouski in promoting the cause of Responsible Government. On that occasion that hon. gentleman had said to him (Mr. W.) "we have got Responsible Government in Nova Scotia; our Governor, Lord Falkland, talks politics only with his Council." He would now ask whether they had not got Responsible Government in Canada a fortnight ago? Were they not then carrying on the public business so as to benefit and please the country? Were they not steadily accomplishing those desirable ends to which Responsible Government itself was but a means? Had they not the Treasury Benches occupied by men who appeared to carry on the business of the Legislature without any serious impediment whatever? They had all that, but a fortnight, but a week ago; and now they were hurrying into a most dangerous collision with the Executive, merely because the Governor General wisely and constitutionally refused to set his hand to a particular theory of Responsible Government which is advocated by the hon. member for Rimouski.⁸

L'Hon. M. BOULTON dit qu'il approuve entièrement le principe, contenu dans la motion principale, mais qu'il n'aime pas trop la phraséologie de cette motion; il a donc cru devoir en modifier le langage et à cet effet il va proposer un amendement en forme d'ajouté à la motion. (Il le lit). Je tiens donc que le gouverneur doit consulter ses ministres sur tous ses actes et sur chaque partie de ses actes, et que comme homme (sic) d'honneur et de principe ils étaient tenus de se retirer dès qu'ils virent qu'ils ne possédaient pas la confiance du chef du gouvernement.⁹

L'Hon. M. AYLWIN dit que son honorable et savant ami pour York (M. Price) a bien expliqué ses vues sur la question: que les hon. membres pour Beauharnais, Hamilton et Richelieu ont envisagé la question sous des jours différents. Tant de nuances d'opposition est quelque chose qui doit paraître extraordinaire dans de pareilles circonstances. L'honorable et vénérable membre pour Richelieu a prétendu que la chambre n'était pas saisie de matières de faits sur quoi baser une discussion, et croit avoir argué d'une manière formidable lorsqu'en réalité sa prétention ne serait tout au plus digne que d'une simple exception à la forme à la PETITE COUR. L'hon. membre pour Hamilton a dit ouvertement qu'il était contre le gouvernement responsable, et quoique cet aveu formel ne soit pas parfaitement

d'accord avec les protestations antérieures du preux chevalier, il a au moins le mérite de la franchise: mais l'hon. membre pour Beauharnais suit une route plus détournée; il propose des résolutions par lesquelles il concourt bien à la théorie du gouvernement responsable, mais à la condition de ne pas le mettre en pratique (on rit:) il ne veut pas que le principe soit appliqué à la résignation des ex-ministres! Lors de la passation des résolutions de 1841, son hon. ami le membre pour Rimouski avait proposé en amendement une résolution qui rendait d'une manière (sic) plus explicite le sens du gouvernement responsable et qui ne fut négativée que sur les déclarations données alors par l'agent du gouvernement à l'effet que cette résolution était la même quant au fond à (sic) celles qui furent adoptées. Je désire maintenant qu'il soit bien entendu que ce fut le vénérable membre pour Richelieu lui-même qui seconda cette résolution. Voilà donc ce que proposait dès lors l'honorable membre (M. Baldwin), et ne doit-on pas être surpris de voir aujourd'hui le membre pour Beauharnais être assez osé pour l'attaquer dans ses motifs, lui (M. Baldwin), dont toute la vie est une illustration de sa sincérité et de son amour des principes constitutionnels? Du moment que nous ne possédions pas la confiance de cette chambre d'un côté, et de l'autre, celle du chef de l'exécutif, nous devions résigner. Lorsque trois jours après l'annonce par mon honorable ami (M. La Fontaine) de l'événement qui retentit aujourd'hui d'un bout à l'autre du pays, l'honorable membre pour Rimouski a donné par écrit nos raisons à l'appui de notre résignation, il ne pressa rien, et ce fut quarante minutes après que l'honorable membre pour Mégantic (M. Daly) eut, de la place qu'il retint au Banc de la Trésorerie, un document contenant les raisons par écrit pour lesquelles Son Excellence acceptait notre résignation. Que le gouvernement responsable soit arraché au pays, ou qu'on veuille le lui arracher, c'est ce que ce document fait voir, il prouve qu'il est perdu; il est en contradiction manifeste avec le gouvernement responsable; il a été rédigé tant bien que mal par quelqu'un de plus de nerf et de rouerie que Son Excellence. (L'orateur aborde les résolutions, qu'il commente). Elles prouvent qu'on ne peut voter au pouvoir, et ne pas y exercer un droit de consultation, sans forfaire à la confiance du pays. Le gouverneur n'a pas dissimulé qu'il y avait un esprit d'antagonisme. Il a fallu ou beaucoup de fourberie ou beaucoup d'ignorance et de stupidité dans l'individu qui a rédigé ce document; ce ne peut être l'individu distingué qui est à la tête du gouvernement qui l'ait rédigé; car il doit mieux connaître les formes et les usages en fait de procédés de gouvernement, pour les avoir si peu observés dans ce document, lui qui a participé au gouvernement d'un empire comme celui de l'Inde. (L'orateur lit ce document et le commente au long.) Comment pourrait-on y avoir hasardé une assertion aussi insolite que celle qu'on voulait se servir de la prérogative comme d'un instrument en faveur de notre influence parlementaire? L'individu qui a pu rédiger cela ne peut être au fait des formes. Puisqu'on ne pouvait consentir à ce que le conseil exécutif fut tout et le gouverneur rien. Et pourquoi y parle-t-on de la responsabilité comme d'un principe abstrait? N'en avons nous pas la déclaration formelle? N'a-t-il pas été reconnu? Est-il si abstrait qu'on ne puisse facilement le comprendre? Le gouverneur doit-il se laisser mystifier de la sorte? En fait de gouvernement

responsable je vais citer un auteur bien connu et très respecté par tous les partis, je parle de feu Andrew Stuart. On sait qu'il n'écrivait pas à la négligé; ses ouvrages sont pleins d'un esprit de saine philosophie et de savoir constitutionnel, et je suis sûr que l'extrait que je vais lire de son ouvrage politique sera goûté, et qu'on saura en apprécier la portée. (Il fait cette lecture.) D'après cet auteur "le conseil du gouverneur n'est pas seulement un conseil qui doit donner des avis; mais exercer un contrôle sur l'administration. Le gouvernement ne peut agir sans les avis de ses conseillers, et s'il le fait, c'est à son propre péril." Qu'il n'y a pourtant rien là de nouveau: on ne pouvait y nommer à aucun emploi sans consulter les conseils. Qu'est ce que c'est qu'un conseil exécutif? Doit-ce être une simple machine sans fonctionnement? ou bon qu'à donner des avis sur proclamations, etc.? Est-ce là ce qu'on doit entendre par conseil exécutif? En ce cas là je n'aurais jamais voulu en faire partie. Mais s'il doit conseiller le gouverneur et administrer avec lui, il est nécessaire alors qu'il soit responsable, car sans cela le pays n'aurait aucune garantie que ses affaires seraient conduites selon ses vœux et ses intérêts bien entendus. Le membre pour Beauharnais a reproché à mon ci-devant collègue (M. Baldwin) d'avoir résigné dans un moment inopportun; mais on devait le faire juste au moment où cette résignation a eu lieu. Si nous avons persisté à rester au pouvoir jusqu'à ce moment là, cela prouve l'ardent désir que nous avions de faciliter l'opération de la machine gouvernementale autant que nous le pouvions sans sacrifier le principe fondamental de notre administration et la confiance du peuple. La déclaration formelle que Son Excellence était sur un pied d'antagonisme avec ses conseillers, cela à la suite de nominations faites sans nous en avoir donné la moindre connaissance, et à propos de la revendication de notre droit et de notre devoir de lui soumettre nos conseils sur ses nominations, voilà ce qui devait nous contraindre à résigner, et à résigner immédiatement, car tarder à le faire, c'eut paru sanctionner les prétentions de laisser conduire le gouvernement sans nous, sans nos avis et nos conseils. Et quant à l'honorable membre pour Beauharnais, je comprends très bien qu'il aurait pu, lui, condescendre à rester encore en office (grande hilarité), après même une déclaration aussi formelle que celle de l'individu distingué qui est à la tête du gouvernement; mais jamais mon honorable et savant ami (M. Baldwin). Je dis et je déclare qu'il n'y aura plus d'administration, plus de ministère; je dis à ceux qui manifestent aujourd'hui de l'opposition que quelque grand que soit leur désir d'occuper le pouvoir, et certes la conduite étrange de quelque vénérable membre justifie le soupçon, ils ne rempliront pas les bancs de la Trésorerie comme conseillers responsables, mais comme de simples mannequins qu'on aura l'air de conseiller tandis qu'il n'en sera rien, et qui ne seront que des esclaves soumis et baillonnés. (Profonde sensation). Un haut emploi, la présidence du conseil législatif avait été offert et donné deux ou trois fois récemment que nous n'en savions rien; nous avons été réduits à l'apprendre par la bouche de nos adversaires. Pouvions nous après cela consentir à retenir nos places? Ne devons nous pas être responsables? Oui, et dès lors ne devons nous pas être informés en temps et lieu de cette nomination? et ne devons nous pas aussi être

consultés là-dessus? Quand j'entends le membre vis-à-vis (M. Wakefield) parler au nom du peuple d'Angleterre, comme s'il était l'ambassadeur de la Cour de St. James, et oser accuser le vertueux et respecté membre qui est là (M. Baldwin), que je le vois se poser comme le protecteur des Canadiens, lui qui à peine sait parler leur langue, et qui en parle en termes qu'ils regardent comme des injures (sensation)... les Canadiens! ils répudient sa protection (redoublement de sensation), quand, dis-je, on m'a appris que lui, un homme flétri dans son pays, était en rapport avec le chef du gouvernement, j'en ai rougi, j'en ai été indigne pour le gouverneur (sensation (sic)). Et quel est cet individu qui se présente ici? On... le connaît pas. Il n'est pas célèbre comme homme d'état, ni comme légiste, ni comme orateur, ni comme écrivain; il n'est célèbre ni au barreau, ni à la tribune; et cependant il a une certaine célébrité, mais je m'abstiens d'y toucher, de peur de me souiller. (Profonde sensation.) On a voulu nous effrayer en disant que la motion, si elle est adoptée, aura pour effet de mettre le pays en collision avec le gouvernement une démarche comme celle dont il est question sont de vieilles femmes. (Grande hilarité.) Si le gouverneur veut prendre conseils d'individus cachés derrière les rideaux, qu'ils se trouvent au sein de cette chambre ou ailleurs, alors tant pis pour lui si ses actes sont désapprouvés, il en portera toute la responsabilité. Avant aujourd'hui, et sous les ci-devant gouvernements, toute la presse tonnait contre le gouverneur en personne lors qu'on avait à se plaindre de sa conduite des affaires. Depuis l'avènement du gouvernement responsable tous les reproches ont été dirigés contre les conseillers, et on viendra me dire qu'ils n'ont pas le droit de se disculper! Une pareille dénégation est marquée au coin de l'injustice et de l'absurdité. Ces conseillers étaient regardés comme responsables, et il n'y a pas jusqu'au plus mince folliculaire qui ne les ait attaqués et injuriés précisément à cause de leur responsabilité. Comme il était absurde de dire, ainsi qu'on le prétend dans ce document, que le droit exigé par le conseil d'être consulté n'était qu'une manière de s'emparer de la prérogative pour acquérir de l'influence dans le parlement! Depuis quand la voix consultative est-elle synonyme (sic) de jugement? Mais qui a jamais songé à attaquer la prérogative? Nous n'avons jamais eu cette prétention; bien au contraire, nous avons prouvé que nous voulions laisser le chef de l'exécutif parfaitement libre à cet égard, seulement il devait nous être permis et nous avions le droit d'éclairer son choix, car autrement ce serait bien le cas de dire que ce sont les battus qui paieront l'amende. Le membre pour Beauharnais nous a dit bonnement qu'en Angleterre lorsque les ministres résignent, c'est parce qu'ils n'ont pas pour eux la majorité ou qu'ils ont perdu la confiance de Sa Majesté. Eh! oui, sans doute, c'est comme cela; mais du moins on y prétend pas qu'ils en agissent ainsi d'après un principe abstrait. (Rires.) Cette explication vient du reste à l'appui de notre position. N'avons nous pas perdu la confiance du chef de l'exécutif, pouvions nous dire que nous jouissons de cette confiance lorsqu'il refusait de prendre conseil de nous? lorsque selon son propre aveu nous étions sur un pied d'antagonisme avec lui? Il est de fait qu'on a offert un emploi élevé à un membre de cette chambre sans nous consulter davantage, et sans même nous en informer; on pourrait dire

que le manque de confiance en nous allait jusqu'au mépris, si nous ne savions pas que l'individu distingué qui est à la tête du gouvernement était incapable de vouloir blesser notre sensibilité d'hommes publics. Que les notions de séparation, etc., émises par le même (M. Wakefield) ne sont pas partagées par les colons. Sa Majesté n'a pas à l'heure qu'il est de sujets plus loyaux que ses sujets canadiens sans exception. Que notre résignation ne pourra avoir en définitive que les meilleurs résultats pour l'intérêt général en ce qu'ils tendront au bon gouvernement du pays. Il est certain que nuls conseillers ou ministres ne pourront se maintenir au pouvoir sans être appuyés de la majorité en cette Chambre. Il fait allusion à l'élection du nouveau membre pour la ville de Montréal (le Dr. Beaubien), et demande d'après quels principes cette élection a eu lieu? Que ces principes sont ceux de la majorité et les mêmes que les leurs (aux ministres). Si malgré tout on est obligé (sic) de (sic) retourner à nos électeurs, les hommes de la majorité seront réélus et viendront avec une force parlementaire plus considérable à l'appui de leur première position: cela est inévitable. Et si les élections présentent aucuns désordres, comme ceux qui ont déjà disgracié une précédente administration, à qui la faute? aux ministres qui ont résigné? non, mais bien à ceux qui auront rendu nécessaire appel au peuple. La position de mon savant ami est belle. Loin de vouloir profiter de la position embarrassante où se trouve le gouvernement, qui ne peut trouver personne pour le représenter ici actuellement, nous voulons bien l'aider autant que nous le pourrons, et nous en donnerons une preuve en votant pour les subsides quand le moment de s'en occuper sera venu. Je puis dire que dans de pareilles circonstances, c'est un véritable plaisir, un délice indicible de résigner avec l'intime conviction qu'on a rempli son devoir et non écouté la voix des intérêts individuels.¹⁰

LE CAPITAINE STEELE dit que pour sa part il a toujours donné un vote indépendant, et qu'il n'a différé du ministère que sur la question du siège du gouvernement; qu'il était venu avec la ferme détermination de les appuyer de sa faible voix pour le bien du pays, mais qu'il ne peut se défendre d'exprimer son regret qu'ils aient résigné avant d'avoir achevé toutes leurs mesures; il avait à coeur, après une lacune de deux ans dans la législation, qu'on se hâtât de la remplir dans cette session. Après quelques autres observations sur ce ton il termine en disant qu'il est sûr que le gouverneur ne pourra former une administration qui ne soit en harmonie avec les principes des résolutions de 1841.¹¹

M. BLACK dit que le gouverneur est un officier du gouvernement métropolitain, et n'est responsable qu'à lui; il exerce sa haute charge en vertu de la commission de la reine; mais il ne peut être responsable ici. Il se prononce contre la motion et propose son amendement.¹²

M. MERRITT se déclare l'apôtre zélé de la doctrine du gouvernement responsable. Faisant allusion à une observation de l'hon. membre pour Lennox et Adington (sic), il dit que nous contribuons au maintien de l'armée et de la marine de la Grande Bretagne aussi bien, que le peuple anglais. Que l'objet de l'Angleterre en gardant cette colonie est d'y maintenir

(sic) son commerce, et non pour y exercer son patronage. Il invoque le rapport de lord Durham à l'appui de la responsabilité. Il dit que rien n'est plus clair que ce système de gouvernement. Nous ne pouvons passer de mesures ayant trait au commerce extérieur, ou aux relations avec la métropole ou entre colonie et colonie; mais nous avons un contrôle exclusif sur nos affaires intérieures. Le gouverneur ne peut être responsable ici pour ces actes, on doit le regarder comme étant à la place de la souveraine; il est ici absolument comme notre roi, et lorsqu'on prétend qu'en jugeant ses ministres on le juge, on est évidemment dans l'erreur. En Angleterre on n'a jamais songé à condamner le souverain pour les actes de ses ministres. Seuls ils sont responsables de toute l'administration. Ainsi j'espère que le gouvernement sera conduit ici d'après les principes constitutionnels britanniques, et alors nous aurons le gouvernement responsable, le seul qui nous convienne et que le pays acceptera. Que toutes nos mesures de l'intérieur doivent être sanctionnées ici, et non envoyées en Angleterre, qu'elles soient bonnes ou mauvaises, cela ne la regarde pas. Quant au commerce extérieur, je le répète, elle s'en est réservé le contrôle exclusif; mais elle ne doit pas se mêler de nos affaires locales. Pour ce qui est de la décision de la question, je maintiens que la paix et l'harmonie règnent dans tout le pays à un degré inconnu avant l'avènement du ministère qui vient de résigner, et si une dissolution du parlement devait avoir l'effet de troubler cet état de bonheur, ce sera à regretter, mais à coup sûr on ne pourra blâmer ceux qui ont voulu maintenir les principes dont il est le résultat. Ce ne sont pas des hommes, ce ne sont pas des ministres qu'il s'agit de défendre, mais des principes, ces principes qu'ils ont eux mêmes soutenus si noblement pour l'avantage commun. Ainsi je voterai pour la résolution principale (celle de M. Price), et non pour les résolutions du membre pour Beauharnais.¹³

L'Hon. M. HARRISON regarde le gouvernement responsable comme un droit inhérent au peuple, et qu'on ne le tient pas seulement en vertu de dépêches ou de concession parlementaire et autres; c'est un droit inhérent au peuple. Que les résolutions sont très importantes, celle surtout où l'on parle de conseillers et d'administration; elles font voir la doctrine du gouvernement responsable dans tous (sic) son jour. Il considère qu'ils doivent être consultés sur chaque acte de l'administration. Il ne regarde pas les documents soumis à la chambre comme offrant le meilleur mode de résoudre la question, mais il croit qu'ils contiennent des faits suffisants pour la discussion. J'avais désapprouvé toute proposition tendant à porter Son Excellence à souscrire à un abandon de la prérogative, mais ce n'est pas ce qu'ont fait ses conseillers résignataires; il faut s'en rapporter à l'exposé des documents. Et qu'y voit-on? Qu'ils voulaient être consultés, non dans la vue de contraindre la prérogative, mais de l'éclairer, et cela y appert même. Voilà sous quel point de vue j'envisage la question, et je crois que c'est le seul vrai. Ils avaient le droit de défendre le principe, celui d'être consultés. (L'orateur s'applique ensuite à faire voir qu'ils pouvaient s'y prendre d'une autre façon pour maintenir ce principe auprès du chef de l'exécutif).¹⁴

L'Hon. M. LAFONTAINE dit: qu'à cette heure avancée de la discussion, il n'a pas le désir d'occuper le temps de cette chambre en prolongeant des débats auxquels tant de membres ont déjà pris part. Néanmoins la position particulière dans laquelle il se trouve vis-à-vis de cette chambre, du pays, et même de Son Excellence le Gouverneur-Général, lui fait un devoir de ne pas laisser terminer ces débats, sans présenter quelques observations explicatives de sa conduite; et en le faisant dans une langue qui n'est pas sa langue maternelle, il compte sur cette indulgence dont on lui a si souvent donné des preuves. Leur résignation, comme il a été justement remarqué, entraîne la question du gouvernement responsable. Ses vues, ses opinions sur le mérite de ce principe vital de notre constitution, sont trop bien connues, pour qu'il prenne inutilement le tems de cette chambre à les exposer et à les développer de nouveau; qu'il lui suffise de dire qu'il ne pourrait rien ajouter en outre aux observations claires et lucides exprimées sur ce point avec tant d'habileté par ses honorables amis représentant Rimouski, Niagara et l'un des Ridings de Lincoln, et qu'il appuie de bon coeur les vues, les opinions qu'ils ont ainsi exprimées.

Il en viendra donc de suite à expliquer les raisons qui l'ont porté à offrir sa résignation. Et pour le faire aussi brièvement que possible, il prendra la liberté de rappeler à la chambre les circonstances sous lesquelles il avait consenti, l'année dernière, à faire partie de l'administration. Il n'est pas exact de dire, comme l'a fait l'hon. membre pour le comté de Beauharnais, que son entrée en office n'avait eu lieu que sur le principe de rendre justice aux Canadiens français, et non sur le principe du gouvernement responsable. Il n'y a pas de doute, et il se plaît à le reconnaître de la manière la plus solennelle (sic), que l'homme honnête et libéral dont le pays a eu à déplorer la perte, et dont ses compatriotes honoreront toujours la mémoire, il n'y a pas de doute, dit-il, que Sir Charles Bagot, quand il lui fit l'honneur de lui offrir une place dans le conseil exécutif, était mu jusqu'à un certain point, et beaucoup même, par le désir sincère qu'il avait de rendre justice à cette partie de la population qui avait été tant et si longtemps opprimée et calomniée. Mais ce n'est pas uniquement sur le principe de rendre justice aux Canadiens français, qu'il avait accepté une place dans le gouvernement de son pays. C'est en invoquant et sanctionnant le principe du gouvernement responsable, tel que nous l'avons toujours compris et expliqué à la suite des résolutions du 3 sept. 1841, que d'un côté on l'appelait à accepter office, et que de l'autre il consentait à le faire, non de son propre mouvement, mais à la pressante sollicitation de ses amis. Il répétera ce qu'il a déjà dit dans cette chambre en septembre 1842, lors de l'importante discussion qui précéda les nouveaux arrangements ministériels. Il n'avait pas de siège dans cette législature durant la première session. Tout le monde sait par quels moyens il en avait été privé. Dans cette session, avec la sanction du gouverneur-général, vous avez, sur la proposition de l'un des principaux membres de son administration, adopté presque à l'unanimité les résolutions du 3 septembre 1841. Quand il prit son siège en 1842, ces résolutions étaient là pour nous servir de règles de conduite, et au personnage distingué qui était alors à la tête du gouvernement, et aux membres de son administration comme à ceux qui pouvaient y être appelés par la suite. A peine arrivé à Kingston, sir Charles Bagot lui fit l'honneur de l'appeler auprès de lui,

et dans cette première entrevue, il lui offrit la place de solliciteur-général avec un siège dans le conseil exécutif, lui permettant en même temps de lui indiquer l'un de ses amis, membre de la chambre, qu'il placerait également avec lui dans le conseil exécutif. Lui ayant fait remarquer que, dans tous les cas, il désirait consulter ses amis; mais que, s'ils ne devaient entrer que deux dans le conseil, et être soumis à l'obligation de soutenir en chambre toutes les mesures du gouvernement, il était prêt à lui donner une réponse, et cette réponse était négative; car il se croyait exposé à entrer dans un conseil dont il lui faudrait soutenir toutes les mesures, sans l'espoir d'y exercer la somme d'influence qui était nécessaire pour le justifier aux yeux du pays. Que lui dit sir Charles Bagot? Lui, il entendait le gouvernement responsable, et il l'a suivi; il lui dit que son conseil ne pouvait pas être divisé, et que s'il était permis à chacun de ses membres de combattre ou d'appuyer, ainsi qu'il le jugerait à propos, les actes du gouvernement, l'administration serait sans pouvoir et sans force morale dans la législature. Il refusa donc d'accepter ces premières offres de sir Charles Bagot. Tous savent ce qui s'est passé depuis, et sous quelles circonstances, peu de jours après, il entra en office, accompagné de quatre de ses honorables collègues. C'est l'action du principe du gouvernement responsable, dit-il, qui nous a ouverts les portes du conseil exécutif. Personne n'a pu en douter, pas même l'honorable membre pour Beauharnais, quoiqu'aujourd'hui il lui plaise de l'attribuer uniquement au désir qu'avait sir Charles Bagot de rendre justice aux Canadiens-français.

En présence de ces faits, quelle était leur position vis-à-vis de cette chambre et du pays qu'elle représente? Sous quels termes et à quelles conditions, étaient-ils censés tenir leurs places dans l'administration? Quelle était la responsabilité qui s'attachait à eux, non seulement dans l'opinion de cette forte majorité qui leur a cordialement donné son appui, mais même dans l'opinion de l'opposition qui les combat journellement dans cette chambre? D'après les principes et les opinions que nous avons toujours professés, d'après les résolutions que vous aviez adoptées en Septembre 1841, vous et le pays, dit-il, nous teniez responsables de tous les actes du gouvernement, concernant nos affaires locales; vous aviez raison de nous en rendre responsables, car c'était sur la foi du principe des résolutions de 1841, que nous avions accepté office. Je le demande à chaque honorable membre de cette chambre, et plus particulièrement aux membres de l'opposition, ne nous regardez-vous pas comme responsables de toutes les nominations aux emplois publics? (Oui, oui, oui). N'avons-nous pas été assaillis à cet égard dès le commencement de la session, par les membres de l'opposition ayant à leur tête l'honorable membre pour Hamilton, (sir Ailan MacNab)? Ces attaques n'ont-elles pas été renouvelées presque à chaque discussion importante qui a eu lieu dans cette chambre? Serait-il juste de nous rendre responsables d'actes auxquels nous n'aurions pas eu l'occasion de participer? Quelle eût été notre position, si, en présence de cette responsabilité, nous eussions continué à demeurer en office, et eussions plus tard été forcés de dire: vous avez tort de nous tenir pour responsables; c'est le gouverneur qui, sans notre avis et souvent sans notre connaissance, nomme aux emplois, nous n'y avons rien à faire. Quelle eût été votre réponse? Je le sais, car je le sens, vous

nous auriez couverts de mépris, et vous auriez eu raison. Vous nous auriez reproché de revenir à l'ancien système, de tenir à nos places uniquement pour l'amour du salaire qui y est attaché, et de sacrifier les principes dont vous nous aviez confié la défense?

Il dit qu'il avait parlé de l'ancien système; car il regardait la marche adoptée par Son Excellence comme tendant à rétablir cet ancien système de gouvernement qui a conduit malheureusement aux rébellions que nous avons eu (sic) à déplorer. Si l'on veut arrêter l'action du gouvernement responsable, de ce principe vital de la constitution anglaise, qu'on le sache de suite, mieux vaut agir ouvertement que par des moyens indirects; il a pu se laisser induire par ses amis à accepter office sous le nouveau système de gouvernement, il n'en sera pas de même si l'ancien système doit prévaloir, et d'après ce qui se passe, il croit que nous y marchons rapidement.

Etant entré franchement dans la voie du gouvernement responsable, il était lié par le sentiment du devoir et de l'honneur d'en soutenir et défendre le principe. La tenure de leurs offices dépend de la confiance que cette chambre repose en eux. Du moment, dit-il, que nous cessons d'avoir la confiance de la majorité de cette chambre, nous devons faire place à d'autres; mais s'il est essentiel que nous possédions votre confiance, il ne l'est pas moins pour les membres d'une administration de posséder celle du gouverneur-général. Il doit y avoir confiance réciproque (oui, oui). Eh! bien, quelle a dû être notre surprise lorsque, samedi dernier Son Excellence déclara au conseil pour la première fois que depuis son arrivée ici elle avait été dans un état d'antagonisme avec nous, qu'il y avait eu, de sa part sans doute, un manque de confiance et de cordialité, et lorsqu'après toutes les explications qui eurent lieu ce jour là, Son Excellence n'ajouta rien qui pût tendre à faire disparaître la pénible impression qu'une déclaration aussi inattendue, par elle faite pour la première fois ce jour là, devait nécessairement faire naître dans notre esprit, quel parti nous restait il à suivre? Je le demande à chaque honorable membre de cette chambre, je le demande surtout à mes amis du Bas-Canada, pouvais-je, sans manquer à mon devoir et à l'honneur, continuer à demeurer dans le conseil exécutif? Non, je ne le pouvais pas, et s'il se trouve quelqu'un de mes collègues du Bas-Canada qui entretienne une opinion contraire, tout ce que j'aurais à lui répondre, c'est que j'aurais à regretter beaucoup qu'il n'eût pas mieux connu mon caractère. Je dis donc que, dans les circonstances où mes collègues et moi nous nous sommes trouvés, nous n'avions pas d'autre parti à prendre que d'offrir notre résignation, nous le devons au public, nous le devons à la majorité qui nous soutenait dans cette chambre, nous le devons à l'opposition elle-même. L'honorable membre pour Beauharnais nous a dit, en forme de reproche, que le temps que nous avions choisi pour résigner était très inopportun, je ne doute pas qu'il le pense ainsi, il peut avoir des raisons particulières pour entretenir cette opinion; mais quand il nous dit que nous devons attendre une occasion particulière de la nomination à un emploi, fait (sic) contre notre avis, il se méprend complètement sur notre position vis-à-vis de Son Excellence. D'abord il suppose que le gouverneur reconnaît notre droit d'être consultés et qu'il agit en conséquence. C'est ce que nous appelons en français une pétition de principe car c'est justement ce qui est en question. Son Excellence ne

veut pas, d'après sa déclaration de samedi dernier, reconnaître notre pré-tention à cet égard, quoiqu'elle soit en tout conforme à la résolution de 1841. Ainsi c'est parce que le principe même est dénié par Son Excellence non seulement en théorie mais encore en pratique, qu'il ne nous restait pas d'autre alternative (sic) que celle que nous avons adoptée. Quant aux faits particuliers qui justifient la position que nous avons prise, ils ont déjà été exposés par mes collègues, il m'est inutile de les relater de nouveau.

Il dit qu'il ne pouvait terminer, sans dire quelque chose des documents que Son Excellence a été avisée de communiquer à cette chambre. Il veut qu'il soit bien compris qu'il n'en tient pas le gouverneur responsable: Pour lui, il a pour Son Excellence le plus grand respect, et il pouvait même dire une confiance sans bornes. En outre, sous l'action du gouvernement responsable, et c'est là un de ses avantages inappréciables, Son Excellence ne doit pas être mis en collision personnelle avec aucun individu, encore moins avec aucun parti politique, ainsi qu'il arrivait presque toujours sous ce qui est appelé l'ancien système de gouvernement. Mais Son Excellence ne peut gouverner sans l'assistance de Conseillers, et ces conseillers, quoiqu'il soit impossible peut-être de connaître leurs noms, n'en existent pas moins; il en a l'intime conviction: en outre l'hon. membre pour Mégantic (Mr. Daly) est encore là, et il doit, avec ceux qui entourent Son Excellence, assumer la responsabilité des actes du gouvernement depuis notre résignation. Les documents en question ayant déjà été l'objet des remarques de quelques uns de ses collègues, il se bornera à faire allusion à deux expressions qui se trouvent dans la réponse de Son Excellence à sa lettre. Si elles sont inexactes, injustifiables même, que la responsabilité en retombe sur ceux qui peuvent avoir avisé Son Excellence d'en faire usage. L'on ose, dit-il, nous imputer la pensée "d'acheter une majorité parlementaire!" Comment, en présence de mon bill pour l'indépendance du Parlement, présenté à cette chambre avec l'approbation et la sanction de Son Excellence, peut-on avoir commis l'imprudence, (pour ne pas avoir recours à un autre mot) d'exposer le chef du gouvernement à exprimer une pensée que les faits les plus patents, connus de cette chambre et au public, ne peuvent justifier le moins du monde? Comment a-t-on pu lui conseiller de servir d'une expression d'autant plus offensante qu'elle est entièrement dénuée de fondement, lorsque Son Excellence elle-même n'a pas cru devoir s'en servir en notre présence? "Acheter une majorité!" Mr. l'Orateur, si son Excellence eût, en ma présence, laissé percer cette pensée, j'aime à croire que amis et ennemis me connaissent assez pour n'entretenir aucun doute, que je n'aurais pas laissé écouler cinq minutes sans offrir ma résignation. "Acheter une majorité!" Ces aviseurs inconnus qui ont engagé son Excellence à nous faire après coup une pareille imputation, ont-ils compris tout ce que cette assertion, repoussée par les faits, comportait d'injurieux, non à notre réputation, mais à celle de Son Excellence elle-même? s'ils ne s'ont (sic) pas prévu, ils auraient dû prévoir, qu'une telle proposition, lancée au hasard, pouvait en bonne logique, être retournée avec plus de force contre son Excellence elle-même, par suite de sa détermination à exercer le patronage non seulement contre notre avis, mais même sans notre connaissance? Vous voulez, nous dit-on, en insistant à être consulté sur la nomination aux emplois, "acheter une majorité!" Ne pourrait-on pas répondre avec plus de justesse: Un gouverneur qui veut exercer le patronage sans l'avis et la connaissance de

ses conseillers, ne pourrait-il pas aussi vouloir l'exercer ainsi dans la vue d'acheter une majorité parlementaire pour se défaire d'un cabinet dont il n'aurait pas les moyens constitutionnels de se défaire autrement? Que l'on réponde? N'est-ce pas là la conséquence nécessaire de la position que l'on a fait prendre à son Excellence? Loin de moi la pensée de lancer contre son Excellence une imputation aussi injurieuse; elle serait mal fondée sans doute. La faute en est à ceux qui, pour se défendre, emploient des armes que le moindre raisonnement fait retourner contre eux avec tant d'avantage.

L'autre expression qu'il remarque dans la réponse de son Excellence, et qu'il trouve inexacte, c'est le mot stipulation. Il ne peut dire si son Excellence s'en est servi en leur présence, car il ne s'en rappelle nullement. Elle croit peut-être, dans sa différence d'opinion sur l'interprétation des résolutions de 1841, être justifiable d'attacher ce sens à leur interprétation de ces mêmes résolutions. Il se contentera de dire que c'est là une grande erreur; et plus il réfléchit à cette inexactitude d'expression, plus il est porté à croire que ceux qui ont porté son excellence à en faire usage, n'avaient d'autre but que de produire un effet puissant dans cette chambre, surtout quand il se rappelle qu'un honorable membre de cette chambre, qui est un de ceux qui ont eu l'honneur d'avoir, depuis leur résignation, des entre-vues avec Son Excellence, est venu lui demander s'il était vrai, qu'ils avaient exigé de son Excellence une stipulation par écrit! Il n'entend pas dire que c'est Son Excellence qui lui a dit cela mais il n'en est pas moins vrai que des gens trop officieux n'ont pas craint de répandre un pareil bruit. L'hon. membre est dans cette chambre: il m'entend.

Un mot dit-il, à l'hon. membre pour Beauharnais (M. Wakefield), et j'en ai fini. Dans la virulente attaque que, sans aucune bonne raison, il a dirigée contre mon hon. ami représentant Rimouski, et dont il m'est facile de me rendre compte à moi, s'il ne l'est pas à tous les hon. membres de cette chambre, il lui a pu de se justifier en parlant de certaines impres-
sions produites sur son esprit par la conduite de mon hon. ami. Puisque nous en sommes au chapitre des impressions, je dois lui dire ici publiquement que moi aussi j'ai eu une certaine impression, à la suite d'un discours fait par l'hon. membre et dans lequel, quoique sans rapport avec le sujet qu'il traitait, il a bien voulu faire allusion à l'influence que suivant lui, je possède dans cette chambre; il a eu la charité de me donner un avis amical, c'était de bien prendre garde à ma position, car ce qu'il jugeait à propos d'appeler the british party du Bas-Canada, pouvait fort bien revivre, nous disait-il alors. Joignons à cela la menace qu'il nous fait aujourd'hui d'une dissolution. Eh! bien. M. l'orateur, je dirai à l'hon. membre dès ce moment là j'ai eu certaine impression: cette impression, ce ne serait peut-être pas exagérer que de dire qu'elle est justifiée par ce qui se passe aujourd'hui. L'honorable membre, pour ses fins particulières, a voulu tenter de raviver les dissensions politiques du Bas-Canada, il a voulu exciter de nouveau les préjugés et les passions d'une partie de la population: il a voulu en quelque sorte lui faire un appel. Eh! bien, M. l'Orateur, qu'une dissolution ait lieu, j'en serai bien aise, je la demande aussi à mon tour, j'aurai l'occasion de faire aussi moi un appel non-seulement à la population française; mais encore à la population

anglaise du Bas-Canada. Je lui demanderai comment et dans quel temps j'ai abusé du pouvoir placé entre mes mains, je lui ferai voir que les deux populations sympathisent et s'entendent plus que l'hon. membre voudrait bien aujourd'hui faire croire. Je lui ferai voir qu'elles veulent toutes deux l'action libre et entière du gouvernement responsable, de cette action qui a rétabli depuis douze mois la paix et la tranquillité dans la province. Oui, je le répète, il ne s'agit rien moins que de ce principe vital de notre constitution. Si on veut en arrêter l'action, il est tems qu'on le sache, et le plus vite ce sera le mieux pour toutes les parties.¹⁵

M. BOSWELL dit qu'il avoue qu'il ne fut jamais plus surpris que d'apprendre la résignation des ministres. La nouvelle était tombée comme un coup de tonnerre sur leurs amis et sur leurs adversaires. Il ne pouvait en deviner la cause. Une administration si populaire, appuyée d'une aussi forte majorité, et qui ne donnait aucuns (sic) symptômes (sic) de décadence, la voir résigner ainsi tout-à-coup, voilà ce qu'il ne pouvait comprendre. Et même à présent, tenant à la main les documens qui ont été présentés à la chambre, il ne peut découvrir les faits qui ont pu les justifier d'en venir à cette détermination. Que le représentant de Sa Majesté déclare positivement dans sa réponse reconnaître le gouvernement responsable tel que défini par les résolutions de 1841. Il doit donc supposer qu'il y a eu un manque de prudence de leur part: ils auront peut-être agi d'une manière offensante envers le chef de l'exécutif dans leurs rapports avec lui à-propos de leurs vues, et c'est ce qui aura occasionné le différend.¹⁶

L'Honorable M. HINCKS dit qu'il espère que le préopinant votera comme il a parlé, c'est-à-dire contre les ministres résignataires, afin que ses électeurs pussent le juger en tems et lieu. On a soulevé des objects quant au tems où nous avons résigné. Ces objections ont été suffisamment réfutées. La déclaration formelle faite samedi par Son Excellence qu'elle était sur un pied d'antagonisme, c'est-à-dire d'opposition avec nous, ne nous laissait d'autre alternative que de résigner, ce que nous fîmes aussitôt. Un fait qui n'est pas connu, c'est que lorsque nous sommes allés faire nos représentations à Son Excellence, ce fut avec le concours de l'honorable membre pour Mégantic (M. Daly), en sorte qu'il est responsable de cet acte aussi bien que ses ci-devant collègues, quoiqu'il ne l'ait pas suivi dans ses conséquences comme nous l'avons fait en résignant. Je dois aussi ajouter que dans la conférence avec le chef du gouvernement on n'a jamais essayé de lui imposer des stipulations, et ainsi tout ce qui a été dit sur ce point est absolument dénué de fondement. De plus, rien de nature à offenser Son Excellence individuellement ne fut dit ou fait; aucune imprudence, aucune chaleur même ne se manifesta dans la discussion; et loin de là, la séparation d'avec Son Excellence s'est effectuée de la façon la plus satisfaisante; ainsi le membre pour South Northumberland ne fait que créer des fautes (sic) pour les combattre. Toute la difficulté vient d'une différence de principe entre Son Excellence et ses ex-conseillers, différence qui, si elle eut été connue de nous auparavant nous aurait fait résigner plus tôt; mais on nous a laissés, tout le tems, et jusqu'à samedi,

dans la croyance qu'il y avait un accord général entre nous et le chef de l'exécutif.¹⁷

M. MORRIS s'applique à combattre les assertions de M. Murney et les opinions déjà émises par M. Neilson, et se prononce en faveur de la motion principale (celle de Price en faveur du ministère).¹⁸

MESSRS. NEILSON, ((et)) MCLEAN, disent quelques mots contre la proposition principale.¹⁹

M. WILLIAMS ... se ((prononce)) ... contre les amendemens aussi bien que contre la motion.²⁰

M. CHESLEY ... ((dit)) quelques mots contre la proposition principale.²¹ ((He)) said that he did not think we were capable of conducting our affairs.²²

M. CHILD la soutient. Il dit que la passation des résolutions de 1841 avait donné un contentement universel, dans la partie du pays qu'il représente. Il concourt de grand coeur dans les doctrines émises en faveur de la motion, et termine en disant qu'il vote pour cette motion et contre les amendemens.²³

(187)

And the question being put on the said motion of amendment, it passed unanimously in the negative.

The Honourable Mr. Viger then moved in amendment to the main motion, seconded by Mr. Forbes, that all the words after "That", be struck out, and the following substituted:

"This House adheres firmly to the principles embodied in the Resolutions of the 3rd September, 1841; but that no document or question, has on the present occasion, come before the House in a shape in which it can according to Parliamentary usage and practice, serve as the basis of an Address to the Governor General on the subject of Responsible Government."

L'Hon. D.B. VIGER dit qu'il propose son amendement pour consigner son opinion dans les journaux de la chambre.²⁴

M. TURCOTTE exprime le désir de voir le vénérable préopinant qui est actuellement assis au banc des ministres déclarer nettement ce qu'il pense quant au mérite de la question, au lieu de se retrancher dans les formes; que cette question est bien simple: il s'agit de savoir si nos ministres ont bien fait de soutenir le gouvernement responsable. Qu'on les juge, sur ce point. Je voudrais avant de retourner au Bas-Canada, où je suis à la veille de me rendre, pouvoir y emporter avec moi de quoi éclairer ses concitoyens sur sa conduite extraordinaire dans cette occasion importante; ils ont droit à des explications. J'aimerais à savoir s'il est prêt à sacrifier d'un coup cinquante ans de travaux faits pour son pays. (Sensation.)²⁵

(187)

And the question being put on the said motion of amendment, it passed in the negative.

The Honourable Mr. Black then moved in amendment to the main motion, seconded by the Honourable Mr. Neilson, that all the words after "That", be struck out, and the following substituted:

"An humble Address be presented to His Excellency the Governor General, humbly representing to His Excellency, that, understanding the claim of the late Executive Council to be solely that of being consulted and heard upon all questions of importance to the Province, and of being informed of His Excellency's determination upon any such question before it became public by any other channel, without any claim to control His Excellency in the exercise of the Prerogative of the Crown upon any such question, or to prevent his acting in such manner as he might see best after weighing their advice and hearing their reasons, this House, without feeling itself called upon to express any opinion of the policy of the late administration, are yet bound to declare their opinion, that there is nothing in the said claim of the Executive which may not be held to be the necessary consequence of the principles of Responsible Government, embodied in the Resolutions of the 3rd of September, 1841, to which this House firmly adheres."

And the question being put on the said motion of amendment, it passed in the negative.

The question been then put on the main motion, the House divided thereon; and the names being called for, they were taken down, as followeth:-

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHABOT, CHILD, CHRISTIE, CRANE, DERBISHIRE, DEWITT, DUNN, DURAND, GILCHRIST, HARRISON, HINCKS, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, J.S. McDONALD, MERRITT, MOORE, MORIN, MORRIS, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SMALL, HARMANNUS SMITH, STEELE, TACHE, THOMPSON, THORBURN, TURCOTTE, and L.M. VIGER.--(46)

NAYS.

Messieurs BLACK, CARTWRIGHT, CHESLEY, DUNLOP, FORBES, FOSTER, HALE, HAMILTON, JOHNSTON, SIR A.N. MACNAB, MCLEAN, MURNEY, NEILSON, NOEL, ROBLIN, SIMPSON, HENRY SMITH, GEORGE SHERWOOD, STEWART, D.B. VIGER, WAKEFIELD, WILLIAMS, and WOODS.--(23)

So it was carried in the affirmative.

The Honourable Mr. Boulton moved, seconded by the Honourable Mr. Lafontaine, that the following be added to the Resolution now adopted, and made part thereof:--

"That this House, in dutiful submission to their Gracious Sovereign, and with the utmost respect for the exalted station and high character of His Excellency, is most anxious to guard against any misconstruction, which

possibly might be placed upon the affirmative declaration of their opinion, upon this delicate and most vitally important constitutional question, and therefore most humbly beg leave to disclaim, in a negative form, any desire that the Head of the Government should be called upon to enter into any stipulation, as to the terms upon which a Provincial Administration may deem it prudent either to accept of or continue in office; that mutual confidence, which is essential to the well being of any Government, necessarily presumes that they are understood, while a due respect for the Prerogative of the Crown, and proper constitutional delicacy towards Her Majesty's Representative, forbid their being expressed."

Mr. Chesley moved, seconded by Mr. George Sherwood, that the House do now adjourn.

The question being put on the said motion, it passed in the negative.

The Honourable Mr. Boulton's motion being then again read:--

Mr. Speaker objected to the said motion as being unparliamentary and out of order.

And an appeal being made to the House from Mr. Speaker's decision, the House divided thereon; and the names being called for they were taken down as followeth:--

For Mr. Speaker's decision:--

YEAS.

Messieurs CARTWRIGHT, CHESLEY, CHILD, CHRISTIE, CRANE, DEWITT, DUNLOP, FORBES, FOSTER, HAMILTON, JOHNSTON, LESLIE, SIR A.N. MACNAB, MCLEAN, MURNEY, NEILSON, NOEL, ROBLIN, SIMPSON, HENRY SMITH, GEORGE SHERWOOD, STEWART, WILLIAMS, and WOODS.--(24.)

Against Mr. Speaker's decision:--

NAYS.

Messieurs ARMSTRONG, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CHABOT, DUNN, DURAND, GILCHRIST, HALE, HARRISON, HINCKS, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, D. McDONALD, MERRITT, MOORE, MORIN, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, SMALL, HARMANNUS SMITH, STEELE, TACHE, THOMPSON, THORBORN, TURCOTTE, D.B. VIGER, L.M. VIGER, and WAKEFIELD.--(39.)

The question being then put on the Honourable Mr. Boulton's motion, the House divided thereon; and the names being called for, they were taken down as followeth:--

(188)

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL,

BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CARTWRIGHT, CHABOT, CHILD, CHRISTIE, CRANE, DERBISHIRE, LEWITT, DUNN, DURAND, FORBES, GILCHRIST, HALE, HAMILTON, HARRISON, HOPKINS, JOBIN, JOHNSTON, LACOSTE, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, D. McDONALD, J. S. McDONALD, MERRITT, MOORE, MORIN, MORRIS, NEILSON, NOEL, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, SIMPSON, SMALL, HARMANNUS SMITH, GEORGE SHERWOOD, STEELE, STEWART, TACHE, THOMPSON, THORBURN, TURCOTTE, D. B. VIGER, L. M. VIGER, WAKEFIELD, and WILLIAMS.--(60.)

NAYS.

Messieurs CHESLEY, DUNLOP, FOSTER, MCLEAN, MURNEY, HENRY SMITH, and WOODS.--(7.)

So it was carried in the affirmative.

Resolved, That a select Committee, composed of the Honorable Mr. Boulton, Mr. Price, and Mr. Leslie, be appointed to prepare an humble Address to His Excellency, the Governor General, in conformity to the foregoing Resolution.

Mr. Price, from the Select Committee, appointed to prepare the draught of an humble Address to His Excellency, the Governor General, in conformity to the Resolution adopted by the House, this day, presented to the House the draught of the said Address; which address was again read at the Clerk's table, and agreed to by the House; and is as followeth:

To His Excellency the Right Honourable SIR CHARLES THEOPHILUS METCALFE, Baronet, Knight Grand Cross of the Most Honourable Order of the Bath, One of Her Majesty's Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor in Chief, in and over the Provinces of Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY:--

We, Her Majesty's dutiful and loyal subjects the Commons of Canada, in Provincial Parliament assembled, humbly beg leave to represent to Your Excellency, the deep regret we feel at the retirement of certain Members of the Provincial Administration on the question of their right to be consulted, on what we unhesitatingly avow to be the Prerogative of the Crown, appointments to office; and further to assure Your Excellency that their advocacy of this principle, entitles them to our confidence, being in strict accordance with the principles embraced in the Resolutions, adopted by the Legislative Assembly on the third day of September, one thousand eight hundred and forty-one.

That this House, in dutiful submission to their Gracious Sovereign, and with the utmost respect for the exalted station and high character of Your Excellency, is most anxious to guard against any misconception which possibly might be placed upon the affirmative declaration of their opinion, upon this delicate and most vitally important constitutional question, and

therefore most humbly beg leave to disclaim in a negative form, any desire that the Head of the Government should be called upon to enter into any stipulation, as to the terms upon which a Provincial Administration may deem it prudent either to accept of or continue in office; that mutual confidence, which is essential to the well being of any Government, necessarily presumes that they are understood, while a due respect for the Prerogative of the Crown and proper constitutional delicacy towards Her Majesty's Representative, forbid their being expressed.

Mr. Price moved, seconded by Mr. Durand, that the said Address be engrossed.

The question having been put on the said motion, a division ensued; and the names being called for, they were taken down as followeth:--

YEAS.

Messrs. ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHABOT, CHILD, CHRISTIE, CRANE, DERBISHIRE, DE WITT, DUNN, DURAND, GILCHRIST, HARRISON, HINCKS, HOPKINS, JOBIN, LACOSTE, LAFONTAINE, LESLIE, D. McDONALD, J. S. McDONALD, MERRITT, MORIN, MORRIS, PAPINEAU, PARKE, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, SMALL, HARMANNUS SMITH, STEELE, STEWART, TACHE, THOMPSON, THORBURN, TURCOTTE, D. B. VIGER, and L. M. VIGER.--(49.)

NAYS.

Messrs. CARTWRIGHT, CHESLEY, FORBES, FOSTER, HALE, SIR ALLAN N. MACNAB, MCLEAN, MURNEY, GEORGE SHERWOOD, WILLIAMS, and WOODS, (11.)

So it was carried in the affirmative, and
Ordered, accordingly

Ordered, That Mr. Price, the Honourable Mr. Boulton, Mr. Child, and Mr. Berthelot do present the said Address to His Excellency, the Governor General.

Resolved, That an humble Address be presented to His Excellency, the Governor General, under the Provisions of the forty-second Section of the Imperial Act to re-unite the Provinces of Upper and Lower Canada, specifying that a certain Bill passed by this House during the present Session, intituled, "An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto, contains provisions respecting some of the purposes in the said Section specially described, and respectfully desiring that in order to give effect to the said Bill, such Bill may be transmitted to England without delay, for the purpose of being laid before Parliament previously to the signification of Her Majesty's Assent thereto.

Ordered, That Mr. Hale, Mr. Williams, Mr. Boswell, and Mr. J. S. Macdonald, do present the said Address to His Excellency, the Governor General.

Orders
Postponed.

Ordered, That the remaining Orders of the day be
postponed until Monday next.

Then on motion of Mr. De Witt, seconded by Mr. Thompson,
The House adjourned until Monday next, at ten o'clock, A.M.

FOOTNOTES - 2 DECEMBER 1841.

1. This debate was reported in the BRITISH COLONIST, 8 December 1841; LA MINERVE, 18, 21, 26 December 1841; and the KINGSTON CHRONICLE, 6 December 1841. There were commentaries in L'AUREOLE, 7 December 1841; and the BRITISH COLONIST, 8 December 1841. The MONTREAL TRANSCRIPT, 9 December 1841 gives a draft of and a commentary on Mr. Wakefield's speech.
2. KINGSTON CHRONICLE, 6 December 1841.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID. According to the BRITISH COLONIST, 8 December 1841, "Mr. Aylwin ... repeatedly interrupted the hon. member for Beauharnois, with hear, hear, in a sneering, rude tone."
9. LA MINERVE, 21 December 1841.
10. IBID., which consistently spelled Beauharnois as Beauharnais.
11. IBID.
12. IBID.
13. IBID.
14. IBID.
15. LA MINERVE, 26 December 1841.
16. IBID.
17. IBID.
18. IBID.
19. IBID.
20. IBID.
21. IBID.
22. BRITISH COLONIST, 8 December 1841.
23. LA MINERVE, 26 December 1841.
24. IBID.
25. IBID.

MONDAY, 4 DECEMBER 1843.

10 O'clock A.M.

(188)

Two Petitions
brought up.

The following Petitions were severally brought up and laid on the table:--

By Mr. Powell--The Petition of Geoffrey B. Hall and others, Inhabitants of the Township of Walpole; and the Petition of the Municipal Council of the District of Talbot.

Petitions read.

Pursuant to the Order of the day, the following Petitions were read:--

Of Isaac Hiliker, of the Township of Boulton, in the District of Montreal; praying for an increase of the pension now received by him.

Of Thaddeus Patrick, a junior Clerk in the Office of the Legislative Assembly; praying for additional remuneration for his past services.

Of Thomas Higginson and others, Inhabitants of Hawkesbury, and other Townships in the District of Ottawa; praying aid for a road.

Of the Reverend A. Duransaux and others, of the Parish of Lachine and other places; complaining of certain grievances resulting from the erection of Toll Bars in the Island of Montreal and praying relief.

(189)

Petition of T.
Patrick referred.

Ordered, That the Petition of Thaddeus Patrick, a junior Clerk in the Office of the Legislative Assembly, be referred to the Standing Committee of Contingencies.

Petition of the
Rev. A. Duran-
saur & others,
referred.

Ordered, That the Petition of the Reverend A. Duransaux, and others, of the Parish of Lachine, and other places, be referred to the Special Committee to which was referred the Petition of Simon Valois, and others, inhabitants of Côte St. Michel, Côte de la Visitation, and of the St. Mary's Current, in the Parish of Montreal, and other references.

Report on sys-
tem of granting
Indian Lands.

Mr. Thompson, from the Select Committee appointed to take into consideration the system of granting Indian Lands in the Districts of Niagara and Gore, and another reference, presented to the House the Report of the said Committee, which was again read at the Clerk's table.

(For the said Report see Appendix M. M.)

Sixth Report on
Contingencies.

Mr. Thorburn, from the Standing Committee of Contingencies, presented to the House the Sixth Report of the said Committee, which was again read at the Clerk's table, and is as followeth:

Your Committee having taken into their consideration the Petition of the Serjeant at Arms, agreeably to the Order of reference, forbear making any Special recommendation on his Petition, but beg to report that during the first Session the sum of £50 was granted that officer in addition to his fixed salary, by a resolution of your Honourable House.

Your Committee find that the cases of the Assistant Clerk, and Door Keeper are similar; the former was granted £60 and the latter £20, as addition to their fixed salaries--and as a reason, your Committee believe for withholding the same from those officers at the last Session, was its shortness. However, your Committee having reported the above facts, would beg leave to submit the various claims to the decision of your Honourable House.

Resolved, That the said Report be Committed to a Committee of the whole House to-morrow.

Resignation of
Ex. Council.

Ordered, That two thousand copies of the Proceedings of this House, on the subject of the resignation of the Members of the late Executive Council, be printed in each of the English and French Languages, for the use of the Members of this House.

On the motion of the Honorable Mr. Black, seconded by Mr. Hamilton.

Estates and
property held
by Ordinance
Department.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of repealing certain Ordinances of the Governor and Special Council, for the affairs of the late Province of Lower Canada, relative to the Estates and Property in Lower Canada, occupied by the Ordinance service, and an Act of the Legislature, of the late Province of Upper Canada, to authorize Her Majesty to take possession of Lands for the erection of Fortifications.

The House accordingly resolved itself into the said Committee.

Mr. J. S. Macdonald took the chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. J. S. Macdonald reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and agreed to by the House and are as followeth:--

1. Resolved, That it is expedient to repeal the Ordinance of the Governor and Special Council, for the affairs of the late Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, "An Ordinance for vesting all the Estates and Property in the Province of Lower Canada, occupied for the Ordinance service, in the principal Officers of Her

Majesty's Ordinance, and for granting certain powers to the said Principal Officers, and for other purposes therein mentioned.

2. Resolved, That it is expedient to repeal the Ordinance of the Governor and Special Council, for the affairs of the said late Province, passed in the Session held in the third and fourth years of Her Majesty's Reign, and intituled, "An Ordinance to render permanent the Ordinance therein mentioned relative to the Estates and Property in this Province, occupied for the Ordinance service."
3. Resolved, That it is expedient to repeal the Act of the Legislature of the late Province of Upper Canada, passed in the third year of Her Majesty's Reign, and intituled, "An Act to authorise Her Majesty to take possession of lands for the erection of fortifications in this Province, under certain restrictions."

Ordered, That the Honourable Mr. Black have leave to bring in a Bill, for vesting in the Principal Officers of Her Majesty's Ordinance, the Estates and Property therein described, for granting certain powers to the said Officers, and for other purposes therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, tomorrow.

Quebec and
Montreal Police.

On motion of the Honourable Mr. Solicitor
General Aylwin, seconded by the Honourable Mr.
Black.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of altering and amending the Ordinance of the Governor and Special Council of Lower Canada, of the Second Victoria, Chapter two, respecting the Police of the Cities of Quebec and Montreal.

The House accordingly resolved itself into the said Committee,

Mr. Beaubien took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

And Mr. Beaubien reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:

Resolved, That it is expedient to alter and amend certain parts of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Québec and Montreal."

Ordered, That the Honourable Mr. Solicitor General Aylwin, have leave to bring in a Bill, to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Québec and Montreal."
He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a

second time, tomorrow.

Supply.

On motion of the Honourable Mr. Neilson,
seconded by the Honourable Mr. Attorney General
Lafontaine,

Resolved, That this House do now resolve itself into a Committee of
Supply.

Ordered, That the Estimate of the Supply required for the year 1843,
transmitted to this House on the tenth of October last, and the
Message of His Excellency, the Governor General, of the first instant,
be referred to the said Committee.

(190)

Supply.

Resolved, That this House renews its Resolutions
passed on the 8th September, 1841, before en-
tering into a Committee of Supply, and repeated on the 4th October, 1842.

Mr. Christie, moved seconded by Mr. Thompson, That no appropriation
of any moneys levied upon Her Majesty's subjects in this Province, ought
to be made without the free consent of their Representatives in the
Legislative Assembly thereof.

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the
consideration of the said motion be postponed until to-morrow.

The question having been put upon the said motion, a division ensued;
and the names being called for, they were taken down as followeth:

YEAS.

Messieurs ARMSTRONG, BALDWIN, BARTHE, BLACK, BOSWELL, BOUTILLIER,
BEAUBIEN, DUNN, FORBES, FOSTER, HAMILTON, HARRISON, HOPKINS, LAFONTAINE,
SIR ALLAN N. MACNAB, MCLEAN, MOORE, MORIN, MORRIS, MURNEY, NEILSON,
PAPINEAU, PRINCE, QUESNEL, ROBLIN, SIMPSON, SMALL, HARMANNUS SMITH,
GEORGE SHERWOOD, STEELE, STEWART, TURCOTTE, D. B. VIGER, L. M. VIGER,
WAKEFIELD, and WOODS.--(36.)

NAYS.

Messieurs AYLWIN, CHRISTIE, DE WITT, DURAND, GILCHRIST, HINCKS,
LESLIE, J. S. MACDONALD, POWELL, and THOMPSON.--(10.)

So it was carried in the affirmative.

Mr. Christie then moved, seconded by Mr. DeWitt, That the appropria-
tion by the Act of the Imperial Parliament, commonly called "The Union
Act," of Seventy-five thousand pounds, annually, of the monies levied
upon Her Majesty's subjects in Canada, towards defraying the Administration
of Justice and support of the Civil Government therein, that is to say:--
the annual sum of Forty-five thousand pounds permanently, for salaries
and pensions to the Judges, Attorneys General and Solicitors General, and
other expenses of the Judicial Establishment, and Thirty-thousand pounds
annually, during Her Majesty's Reign, and for five years next thereafter,
to defray a Civil List and certain expenses of the Civil Government,

however expedient such appropriation, by Act of the Imperial Legislature, may have been, under the peculiar circumstances of the Canadas, at the period when the Act was passed, now that those circumstances happily have passed away which may have rendered it a measure of necessity, is unsatisfactory to Her Majesty's loyal subjects in this Province, inasmuch as it withdraws from the control of their Representatives a large proportion of the Public Revenue raised upon them, and is of a tendency to create, foster, and perpetuate abuses in the misapplication of the public moneys; and also is in contravention to the Declaratory Act of the Parliament of Great Britain, in 1778, by which it is declared that "the King and Parliament of Great Britain will not impose any Duty, Tax, or Assessment, whatever, payable in any of His Majesty's Colonies, Provinces and Plantations in North America, except only such duties as it may be expedient to impose for the regulation of Commerce, the net produce of such Duties to be always paid and applied to and for the Colony, Province, or Plantation in which the same shall be respectively levied, in such manner as other duties collected by the respective General Courts or General Assemblies of such Colonies, Provinces or Plantations, are ordinarily paid and applied."

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the consideration of the said motion be postponed until tomorrow.

The question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

Mr. Christie then moved, seconded by Mr. McLean, That, in the opinion of this House, the repeal of the aforesaid appropriation would be conducive to the general contentment of Her Majesty's loyal subjects in this Province, and to the peace, welfare and good government thereof, and tend to strengthen and perpetuate the bonds which happily unite it with the Parent Kingdom.

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the consideration of the said motion be postponed until to-morrow.

The Question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

Mr. Christie then moved, seconded by Mr. Barthe, That this House, not less mindful of its duty towards Her Majesty Our Most Gracious Sovereign, than of the trust reposed in it by Her Majesty's dutiful and loyal Subjects in this Province, is of opinion that the necessary provision for the support of Her Majesty's Civil Government and the Administration of Justice therein, in a manner suited to the honour and dignity of Her Crown, ought to proceed solely from the free and voluntary vote of Her Majesty's faithful Subjects, the Commons of the Province, in Parliament assembled, to whom also the right of controlling the outlay and application of all moneys levied in the Province, and of defining and fixing the Civil List thereof, and of setting limits to the same, constitutionally belongs.

Mr. Morris moved, seconded by the Honourable Mr. Viger, that the

consideration of the said motion be postponed until tomorrow.

The question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

Mr. Christie then moved, seconded by Mr. J. S. Macdonald, That in the opinion of this House, the existing Salaries, those of the Judges excepted, upon the Civil List of the Province, and generally the expenses of the Civil Government in all departments thereof, are exorbitant, and ought to be reduced on a scale corresponding to the resources and liabilities of the Province.

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the consideration of the said motion be postponed until to-morrow.

The question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

Mr. Christie then moved, seconded by Mr. Barthe, That, in the opinion of this House, it is expedient to reduce upon the following scale, the existing Salaries paid from the Treasury of the Province, or other Public moneys, that is to say; all Salaries exceeding £1000 Currency, one third of the total; exceeding £750, and not over £1000 Currency, one fourth of the total; exceeding £500, and not over £750 Currency, one fifth of the total; exceeding £400, and not over £500 Currency, one sixth of the total; Provided always, that no Salary included in the last mentioned class be reduced below £400 Currency.

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the consideration of the said motion be postponed until to-morrow.

The question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

Mr. Christie then moved, seconded by Mr. Leslie, That this House is prepared, and will, when thereunto called upon by Her Majesty, make, in conformity with the well understood wishes of Her Majesty's faithful

(191)

Canadian subjects, a constitutional and permanent provision for the salaries to the Judges in this Province, and for suitable retiring Pensions to such of them as from age, infirmity, or accident, shall become incapacitated for duty, and generally for such other permanent salaries and charges as are indispensable to the due administration of Justice therein, as well as a provision during Her Majesty's Reign for a Civil List, agreeably with the usages of the Imperial Parliament in the like case; it being provided in the enactment to be passed on the subject, that the same shall only go into effect when the aforesaid appropriation of seventy five thousand pounds, Sterling, annually, by the Union Act, shall have been repealed by the Imperial Legislature, and the Public moneys levied upon Her Majesty's subjects in this Province, have been replaced at the free disposal of their Representatives in Parliament.

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the consideration of the said motion be postponed until to-morrow.

The question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

Mr. Christie then moved, seconded by Mr. Thompson, That, in the opinion of this House, it is expedient that all fees of office of whatsoever description levied on the subject in this Province, by Officers or Public Functionaries, deriving their offices from the Crown, be funded, and that in lieu of such fees or perquisites of office, fixed salaries, graduated on the foregoing scale, be allowed the incumbents.

Mr. Morris moved, seconded by the Honourable Mr. Viger, That the consideration of the said motion be postponed until tomorrow.

The question having been put upon the said motion, a division ensued; and the names being called for, they were taken down as in the last preceding division.

The House then resolved itself into a Committee of Supply.

Mr. Roblin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's table, and are as followeth:--

1. Resolved, As the opinion of this Committee, that in order to enable Her Majesty to meet the necessary and indispensable expenses of the Government of this Province, from the 1st January to the 31st March, 1844, not otherwise provided for, there be granted to Her Majesty, out of the consolidated Revenue of the Province, not otherwise appropriated, a sum not exceeding twenty-one thousand three hundred and sixty four pounds, twelve shillings and seven pence, Currency, to be accounted for in detail.
2. Resolved, As the opinion of this Committee, that a sum not exceeding one thousand, four hundred and seven pounds, seventeen shillings and nine pence, Sterling, be granted to Her Majesty, to defray certain Items of Expenses of the Civil Government of this Province for the year 1843, as recommended in the Message of His Excellency, the Governor General, dated the 1st Instant.
3. Resolved, That the Rule and Practice in this case be dispensed with, and that the Question of Concurrence be now separately put upon each of the said Resolutions.

And the said Resolutions being again severally read, and the Question of Concurrence being separately put upon each, they were unanimously agreed to.

Supply.

Resolved, That an humble Address be presented to

His Excellency, the Governor General, with a copy of the foregoing Resolutions, praying that His Excellency would be pleased to make the necessary advances to meet the same, and assuring His Excellency that should present circumstances prevent the House from passing a Bill to make good the same in this Session, this House holds itself pledged to pass such a Bill at the ensuing Session; and further

praying His Excellency to direct that in all expenditures hereafter to be made, strict economy be observed, and such reductions made both as to the number of Officers and persons employed, and the amount of their Salaries, Emoluments, and Contingencies, as is required by the present state of the Revenue, and may be found consistent with the efficiency of the public service.

Ordered, That the Honourable Mr. Neilson, the Honourable Mr. Viger, the Honourable Mr. Harrison, and Mr. Christie, do present the said Address to His Excellency, the Governor General.

Leave of absence
to Mr. Neilson.

Ordered, That the Honourable Mr. Neilson have Leave of absence for the remainder of the present Session.

Towns, &c.
incorporation.

Ordered, That the Order of the Day for the House in Committee on the Bill, to provide for the Incorporation of Townships, Towns, Counties, and Cities, in Upper Canada, lost by the adjournment of the House of the twenty-seventh of November last, be revived, and that this House will, tomorrow, resolve, itself into the said Committee.

Division of
Province of
Upper Canada.

Ordered, That the Order of the Day for the House in Committee on the Bill, to provide for the better division of that part of this Province called Upper Canada, into Counties, for abolishing the territorial division thereof into Districts, and providing for temporary Unions of Counties for temporary Unions of Counties for Judicial and other purposes, and the future dissolution of such Unions, as the increase of population may require, lost by the adjournment of the House of the twenty-seventh of November last, be revived, and that this House will, tomorrow, resolve itself into the said Committee.

Common
Schools U. C.

Ordered, That the Order of the Day for the House in Committee on the Bill, to provide for the establishment and maintenance of Common Schools, in that part of this Province called Upper Canada, lost by the adjournment of the House on the twenty-seventh of November last, be revived, and that this House do now resolve itself into the said Committee.

The House accordingly resolved itself into the said Committee, Mr. Price took the Chair of the Committee and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Price reported that the Committee had made some progress, and had directed him to move for Leave to sit again.

Ordered, That the said Committee have leave to sit again at the next sitting of the House.

Resignation
of Ex. Council.

Mr. Price, accompanied by the other Messengers, reported to the House, that their Address of the

Second Instant, to His Excellency, the Governor General, on the subject of the retirement of certain Members of the Provincial Administration, had been presented to His Excellency, and that he was pleased to say; he will send an answer by Message.

(192)

Message from
Leg. Council.

A Message from the Legislative Council by
John Fennings Taylor, Esquire, one of the Masters
in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:--

Vehicles con-
veying manure
exempt from
Toll.

"An Act to exempt Vehicles conveying manure from the Cities and Towns of this Province from the payment of Tolls on Turnpike Roads, and for other purposes therein mentioned."

Land Survey-
ors, U. C.

"An Act to repeal certain Acts therein mentioned, and to make better provision respecting the admission of Land Surveyors, and the Survey of Lands in Upper Canada."

Common
Schools.

"An Act further to provide for the establishment and maintenance of Common Schools, and for apportioning the Fund for the support of the same; and also to grant an indemnity for the payment of certain portions of the School moneys, for the year one thousand eight hundred and forty two; and further to provide for the apportionment and distribution of the balance of the said moneys, for the years one thousand, eight hundred and forty two, and one thousand, eight hundred and forty three."

And then he withdrew.

Message from
His Excellen-
cy the Gov.
General.

Rawson W. Rawson, Esquire, Chief Secretary to his Excellency, the Governor General, was admitted within the Bar, and delivered to Mr. Speaker, a Message from His Excellency, the Governor General, signed by His Excellency.

And then he withdrew.

And the said Message was read by Mr. Speaker, all the Members of the House being uncovered, and is as followeth:

C. T. Metcalfe,

Important
Measures be-
fore Parliament.

The Governor General considers it to be his duty, in the existing state of Public affairs, to express to the Legislative Assembly, his anxious desire that those important measures now before the Parliament, which are calculated to promote the welfare of the Country,

should be conducted to their proper completion or termination by the wisdom of Parliament without interruption, in order that the just wishes and expectations of the people may not be disappointed.

Government House,

December 4th, 1843.

Contingencies.

Mr. Thorburn accompanied by the other Messengers, reported to the House, that their Address of the second instant, to His Excellency, the Governor General, on the subject of the Contingencies of this House, had been presented to His Excellency, and that He was pleased to say; he will take the said Address into his consideration.

Adjournment.

The House then adjourned until six o'clock, P. M. this day.

6 O'Clock P.M.

Church Soci-
eties, Quebec
and Toronto.

Mr. Hale, accompanied by the other Messengers, reported to the House, that their Address of the second instant, to His Excellency, the Governor General, on the subject of the Bill to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto, had been presented to His Excellency, and that he was pleased to say; he will send an answer by Message.

On motion of the Honourable Mr. Boulton, seconded by Mr. Powell,

Message on
important
measures.

Ordered, That the Message of His Excellency, the Governor General, received this day, be now read.

The said Message was accordingly read.

The Honourable Mr. Boulton moved, seconded by Mr. Price, That the said Message be referred to a Committee, to search and consider such precedents as do concern any Messages from the Sovereign; touching any measures hanging in Parliament, and to report their opinion to this House, whether the Message of His Excellency be in accordance therewith.¹

MR BOULTON rose to call the attention of the House to the message sent down by His Excellency this day. He did not wish to characterize that document now or to treat it as a breach of privileges of the House, but he was desirous of referring it to a select committee for the purpose of looking into precedents to see whether any such document had ever been sent down to the commons by the Sovereign. The motion was couched in language which had not even the appearance of reproach, but he was desirous of its having the effect of preventing similar messages being hereafter sent down², as they were placed in a most embarrassing position, having no government in the country responsible to the people for their acts.³

The hon. gentleman cited the case in which a message of that kind had been sent by Lord Sydenham to the Legislative Council, and stated that although it had been passed on at the time, it was considered by all a breach of the privileges of that body; and that instance afforded him an additional reason for submitting the motion which he held in his hand.⁴

SIR ALLAN MACNAB said the hon. gentleman had not informed the House why his motion should be referred to a special committee. It might, perhaps, be said, if such a committee was now appointed, that it was a packed committee - that it had been packed by the House for a particular purpose. In his opinion it should be referred to the committee of privileges. Such a committee had been appointed at the opening of the Session, to have cognizance of all breaches of their privileges; and if hon. gentlemen so considered the message, it should be referred to that committee. Hon. gentlemen were not so captious on all occasions: when the House addressed His Excellency for copies of despatches on the subject of the Seat of government, how was it answered? Why His Excellency was advised by the hon. gentlemen who lately filled the treasury benches, to send down, instead of a direct answer, a written statement of their own opinions on the subject, interlarded with such portions of a despatch as suited their purpose. In fact the proceedings of the House latterly had been altogether extraordinary. Eight or nine of those gentlemen voted on Saturday an expression of regret that they had retired from office - no doubt they were sorry for it - and again, that their conduct entitled them to the confidence of the House. Their whole proceedings were certainly most extraordinary.⁵

MR PRICE remarked that the hon. and gallant knight from Hamilton had stated that the late ministry voted, on the late division, for themselves. It had been satisfactorily shown by the hon. member for Essex, on reference to precedent, that they were bound to vote on the question before the House. The question was one of constitutional right, and as members of that House they were bound to express their opinions; if they had shrunk from so doing, they would have shrunk from the performance of their duty. The hon. and gallant knight would, he (Mr P.) was satisfied, have done the same similarly situated. The Speaker had declared their so doing Parliamentary and they were therefore bound to vote.⁶

CAPT. STEELE could not vote for the reference. He had a feeling of anxiety and he knew that feeling was general, that the business of the country should be proceeded with. If they were prorogued now, it would be the second time of sending them home without their doing that for which they had been sent to that House. He could not vote for the reference because he was satisfied the Governor General would be sustained by the Country, and that message was in accordance with the well-understood wishes of the people, that they were not to tie themselves to a few ambitious men, and neglect the public business. He saw no breach of their privileges in the message; he saw only an anxious desire on the part of

His Excellency that they should go on in perfecting the measures before the House. The people, he could assure hon. gentlemen were not so wedded to men, as to constitutional measures; and if they were to do what was proposed: to stop the business of the country because a few men thought proper to retire from office, people would soon get sick even of Responsible Government. Measures, not men, was what they regarded.⁷

MR. HINCKS said a sufficient answer to all that had been said by the last speaker was, that he (Capt S.) had voted for the Address on Saturday. (Laughter.)⁸

CAPT. STEELE desired to make one observation in explanation. He had voted on that occasion in accordance with his principles. He had always upheld, and would continue to uphold, the principle of Responsible Government. (Hear, hear.)⁹

SIR ALLAN MACNAB rose to move an amendment.¹⁰

(192)

Sir Allan N. MacNab moved, in amendment seconded by Mr. Cartwright, That the words "a Committee" in the said motion be struck out, and the following substituted: "the Standing Committee of Privileges and Elections."

MR BOULTON said that would be packing a committee with a vengeance. He wishes to refer the matter to a committee of which he is a member. He (Mr Boulton) would refer it to no such individual.¹¹

Hear, hear, from SIR ALLAN ((MACNAB)).¹²

MR SIMPSON said the hon. member for Niagara was pursuing an extraordinary course.¹³ ((He)) did not regard the message as any breach of privilege. He had known messages sent to the effect that if there was no important business on hand, the House would be prorogued on a given day. They were not considered as breaches of privilege, although they might be considered as giving directions to the House as much as the present one.¹⁴ The government was still in existence, but had no means of communicating with the House in the ordinary manner, as the only individual representing the government in that House was sick, and unable to attend to his duties. The Governor-General had, therefore, taken the only means at command of communicating a message to the House. That message was designed, no doubt, to correct a rumor very much current, of an early prorogation, and to give an assurance to hon. members that they might proceed with the business of the country. Surely it cannot be said that this House must refuse to exercise its functions because no ministry occupy the Treasury Benches. The country was surely not in a state of chaos. The House derived its authority from the people. Have they ceased to exist? The Governor-General derives his authority from the crown.

Has the Royal authority ceased? He was satisfied they would not be discharging the duty which they owed to the country if they did not go on and carry to completion the measures before them.¹⁵ The Hon. Member, in a digression, commented strongly upon the conduct of the late Ministry resigning at such a time; denouncing it as a combination on their part, dangerous to the country, and directly calculated to produce embarrassment and retard the public business. He hoped the House would act dispassionately and with justice in the premises.¹⁶

MR MORRIS proposed that three should be added to the committee on privileges, to fill up the vacancies occasioned by the absence of some of the members.¹⁷

SIR ALLAN MACNAB would do no such thing: it would be making an addition of which the hon. member for Niagara would be one; and he had already expressed his opinions on the message. That certainly was a curious way of doing justice.¹⁸

M. WILLIAMS s'oppose à la nomination d'un comité spécial. Il était certain que si quelques uns des membres du ci-devant ministère étaient du comité qu'ils s'abstiendraient de ... ((siéger)).¹⁹

M. LAFONTAINE dit qu'il était ... ((flatté)) de voir que, si le membre qui venait de s'asseoir avait voté contre la ministère, samedi dernier, il approuvait maintenant d'une manière indirecte leur conduite, et il l'en remerciait (écoutez). Ils n'étaient plus des ministres de la couronne, ils étaient des membres indépendants formant partie de la chambre, et comme tels ils avaient droit de siéger sur aucun comité.²⁰ ((He)) asked who was there in the House to assume the responsibility of that message? No one. It looked very much like going back to the old system. He was glad, however, to see there was but one member on the floor of the House who had the hardihood to stand in his place and advocate that system - that was the hon. member for Vaudreuil. He asks us is not every thing going on smoothly, while he admits there is not a responsible administration in the House. They had been told, when it was thought some votes would be influenced by it, that an appeal would be made to the country, but now it is "go on; go on;" that is the advice given - the result of that back-stairs influence of which they had already complained. He repeated it, they were going back to the old system. He knew the Governor did not act without advice, or else such a message would never have been sent down. Such a message would never have been sent down by Sir Charles Bagot; it would never have been sent down had Sir Charles Metcalfe responsible advisers in that House; and he contended if they allowed that course to be pursued by the Governor General, without having an administration in the House responsible to the House, they must revert to the old system of Government.²¹

M. ROBLIN dit qu'il était contraire aux usages de la chambre de transférer à d'autres les devoirs pour lesquels il y avait un comité appointé, le comité des privilèges.²²

A few further remarks ((were made))23.

(192)

The question having been put on the motion of amendment a division ensued, and it was carried in the affirmative.

The question being then put on the main motion, as amended, the House divided thereon, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BERTHELOT, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CARTWRIGHT, CHILD, CHRISTIE, DERBISHIRE, DEWITT, DURAND, GILCHRIST, HAMILTON, HINCKS, HOPKINS, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, D. McDONALD, J. S. MACDONALD, MORIN, MORRIS, MURNEY, NOEL, PAPINEAU, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, SIMPSON, STEWART, TACHE, THOMPSON, THORBURN, TURCOTTE, D. B. VIGER, L. M. VIGER, and WAKEFIELD.--(43.)

NAYS.

Messieurs HALE, and STEELE.--(2.)

So it was carried in the affirmative, and
Ordered accordingly.

MR. CHRISTIE, ((moved)) seconded by MR. PRICE, ((that that the Honourable Mr. Boulton be added to the Standing Committee of Privileges and Elections.))24

(192)

Privileges and
Elections.

Ordered, That the Honourable Mr. Boulton be added
to the Standing Committee of Privileges and
Elections.

Common
Schools, U. C.

The House again went into Committee on the Bill, to provide for the establishment and maintenance of Common Schools in that part of this Province called Upper Canada.

Mr. Price took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Price reported that the Committee had gone through the Bill, and had made several amendments thereto, which he was directed to report to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Boundary Line
Commissioners.

The Order of the Day for the second reading of the Bill, to afford persons, having been Boundary Line Commissioners, a more easy and less expensive

mode of recovering costs still due on judgments, by them rendered in that capacity, being read,

The said Bill was accordingly read, and ordered to be engrossed.

Independence
of Legislative
Council.

The Order of the day for the Second Reading of the Engrossed Bill, from the Legislative Council, intituled, "An Act for the better securing the independence of the Legislative Council of this Province," being read,

The said Bill was accordingly read.

Ordered, That the said Bill be now read for the third time,

The said Bill was accordingly read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Hamilton, do convey back the said bill to the Legislative Council, and acquaint their Honors that this House

(193)

hath passed the same, without any amendment.

Salmon Fisheries
Gaspé.

The Order of the Day for the House in Committee on the Report of the Special Committee, to which were referred the Entries in the Journals of this House of the 5th October, 1843, relating to the Salmon Fisheries in the Inferior District of Gaspé, with an Instruction to continue the inquiry relative to the said Fisheries being read.

The House accordingly resolved itself into the said Committee.

Mr. Stewart took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Stewart reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and agreed to by the House, and is as followeth:--

Resolved, That this House doth concur with the Special Committee in the said Report.

Resolved, That an humble Address be presented to His Excellency, the Governor General, praying His Excellency to appoint one or more Commissioners, residing at or near the River Ristigouche, to proceed to the said River Ristigouche, and other places at which the Salmon Fisheries are carried on in the District of Gaspé, and there to obtain such information as may be requisite to enable the Legislature of this Province to frame proper enactments, for preventing the destruction of the said Fisheries; and praying also that His Excellency will be pleased to communicate with the Government of New Brunswick, to the end that a Commissioner or Commissioners may be appointed on behalf of that Province, to meet those appointed on behalf of this Province, so that the Regulations which the said Commissioners shall find necessary, may be enacted by the Legislatures of New Brunswick and of this Province, in their next Sessions, respectively, and thus become common to the two Provinces.

Ordered, That Mr. Hamilton, Mr. Thorburn, Mr. Cameron, and Mr. Taché,
do present the said Address to His Excellency, the Governor General.

General Law.

The Order of the Day for the second reading of
the engrossed Bill, from the Legislative Council,
intituled "An Act to supply by a General Law, certain forms of enactment
in certain use, which may render it unnecessary to repeat the same in
Acts to be hereafter passed, and for other purposes," being read,

The said Bill was accordingly read, and committed to a Committee of
the whole House, tomorrow.

Orders
postponed.

Ordered, That the remaining Orders of the Day
be postponed until tomorrow.

Then on motion of Mr. Cameron, seconded by Cartwright,
The House adjourned until tomorrow, at Noon.

FOOTNOTES - 4 DECEMBER 1843.

1. This debate was reported in KINGSTON CHRONICLE, 9 December 1843; LA MINERVE, 11 December 1843; and in identical reports in MONTREAL GAZETTE, 12 December 1843 and in the BRITISH COLONIST, 12 December 1843. There were commentaries in the JOURNAL de QUEBEC, 9 December 1843 and the MONTREAL TRANSCRIPT, 7 December 1843.
2. KINGSTON CHRONICLE, 9 December 1843.
3. MONTREAL GAZETTE, 12 December 1843.
4. KINGSTON CHRONICLE, 9 December 1843.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.
10. IBID.
11. IBID.
12. IBID.
13. IBID.
14. MONTREAL GAZETTE, 12 December 1843.
15. KINGSTON CHRONICLE, 9 December 1843.
16. MONTREAL GAZETTE, 12 December 1843.
17. KINGSTON CHRONICLE, 9 December 1843.
18. IBID.
19. LA MINERVE, 11 December 1843.
20. IBID.
21. KINGSTON CHRONICLE, 9 December 1843.
22. LA MINERVE, 11 December 1843.
23. KINGSTON CHRONICLE, 9 December 1843.
24. MONTREAL GAZETTE, 12 December 1843.

TUESDAY, 5 DECEMBER 1843.

(193)

Four Petitions
brought up.

THE following Petitions were severally brought up, and laid on the table:--

By Mr. Hamilton--The Petition of George Ruthman, of the City of Quebec, Pork Seller and Sausage Maker.

By Mr. Stewart--The Petition of Duncan McLeod and others, Inhabitants of the Eastern and Ottawa Districts.

By the Honourable Mr. Black--The Petition of the President and Members of the Literary and Historical Society of Quebec.

By the Honourable Mr. Morin--The Petition of William Ross, Chief Clerk of the Committees; praying to be placed on the same footing as the Chief Office Clerk, in so far as respects Salary.

On motion of the Honourable Mr. Morin, seconded by the Honourable Mr. Viger,

Petition of
W. Ross read
and referred.

Ordered, That the said Petition be now read, and that the Rule of this House of the twenty-eighth of June 1841, be dispensed with, as to the present Petition.

The said Petition was read accordingly.

Ordered, That the said Petition be referred to the Standing Committee of Contingencies.

Boundary Line
Commissioners.

An Engrossed Bill to afford to persons, having been Boundary Line Commissioners, a more easy and less expensive mode of recovering costs still due on Judgments by them rendered in that capacity, was read for the third time.

Mr. Thorburn moved, seconded by Mr. Cartwright, that the Bill do pass, and the title be "An Act to afford to persons, having been Boundary Line Commissioners, a more easy and less expensive mode of recovering costs still due on Judgments rendered in that capacity."

The Question having been put upon the said motion, a division ensued, and the names being called for they were taken down as followeth:--

YEAS.

Messieurs ARMSTRONG, BALDWIN, BOULTON, CAMERON, CARTWRIGHT, CHRISTIE, DUNLOP, DUNN, FORBES, GILCHRIST, HARRISON, SIR ALLAN N. MACNAB, MCLEAN, MERRITT, MORRIS, MURNEY, PAPINEAU, POWELL, SIMPSON, HARMANNUS SMITH, GEORGE SHERWOOD, STEWART, THOMPSON, THORBURN, and WILLIAMS.--(25.)

NAYS.

Messieurs FOSTER, HAMILTON, HINCKS, HOPKINS, LAFONTAINE, LESLIE, MORIN, PRICE, and TACHE.--(9.)

So it was carried in the affirmative, and,

Resolved, Accordingly.

Ordered, That Mr. Thorburn, do carry the said Bill to the Legislative Council, and desire their concurrence.

Petition of Rev. Francis Evans and others, referred.

Resolved, That the Petition of the Reverend Francis Evans, and others, of the town of Simcoe, in the District of Talbot, presented to the House on the twenty-fifth of October last, be referred to a Select Committee, composed of Mr. Powell, Mr. Hale, Captain Steele, Mr. Williams, and Mr. Thorburn, to examine the contents thereof, and to report thereon, by Bill or otherwise, with power to send for persons, papers and records.

Report of Committee on Petition of Robert F. Gourlay.

Mr. Wakefield, from the Special Committee to which was referred the Petition of Robert Fleming Gourlay, presented to the House the Report of the said Committee, which was again read at the Clerk's table and agreed to by the House, and is as followeth:--

"Your Committee, having enquired into the matter referred to them, have ascertained that Mr. Gourlay has declined availing himself of the proceedings of this House in his case, of the fifth October, 1842, because he is unwilling to accept a pecuniary grant from the Executive on any other ground than that of the injuries sustained by him from the

(194)

Government of Upper Canada, in former times.

Your Committee, themselves, take this view of the subject, and therefore in consideration of Mr. Gourlay's patriotic exertions, for the benefit of this Province, and of the wrongs which he thereby incurred, recommended that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to adopt some means of conveying to the Petitioner the opinion of this House on his case, in the terms of the Report made to the House by a Select Committee, dated 11th September 1841, and adopted by the House on the 16th of the same Month.

Resolved, That an humble Address be presented to His Excellency the Governor General, praying that his Excellency will be pleased to adopt some means of conveying to Robert Fleming Gourlay, the opinion of this House on his case, in the terms of the Report, made to this House by a Select Committee, dated 11th September 1841, and adopted by the House on the sixteenth of the same month.

Ordered, That Mr. Wakefield, Mr. Thorburn, Mr. Merritt, and Mr. Cameron, do present the said Address to His Excellency the Governor General.

Chartered Banks.

Mr. Morris, from the Select Committee to which was referred the Bill, to authorise the Chartered Banks of this Province, to open Books in the

United Kingdom, for the transfer of their Stock, reported, that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table. Resolved, That the said Bill and Report be committed to a Committee of the whole House, to-morrow.

Report on
Petition of
Effy McCuaig.

Mr. Simpson from the Select Committee to which was referred the Petition of Effy McCuaig, widow of the late John McCuaig, of the Seigniorie of New Longueuil, presented to the House the report of the said Committee, which was again read at the Clerk's table.

(For the said Report see Appendix Q. Q.)

Mr. Simpson moved, seconded by Mr. McLean, that this House doth concur with the Select Committee in the said Report.

The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Mr. Simpson moved, seconded by Mr. Dunlop, that an humble Address be presented to His Excellency, the Governor General, praying that His Excellency will be pleased to cause to be laid before this House, a copy of the Report made by Alphonso Wells, Esquire, on the line of division between the two sections of this Province, which formerly constituted the Provinces of Upper and Lower Canada, respectively; with such information as His Excellency may think proper to communicate, with regard to the steps taken by the Provincial Government, in consequence of the said Report. The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Report on Pri-
villeges and
Elections.

The Honourable Mr. Baldwin from the standing Committee of Privileges and Elections, presented to the House the second Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have considered the Message of His Excellency, the Governor General, which was yesterday referred to them, and after a diligent search have not discovered any precedent of a Message from the Crown to Parliament, of a similar character; but they are of opinion that the fundamental, ancient, and undoubted liberty and privilege of Parliament, by which the Rights and Liberties of the People of Canada, represented in the Legislative Assembly of the Province are guarded and maintained, establish the constitutional principle, that each of the three branches of the Legislature is thoroughly independent of the other, and that neither branch ought to notice any thing hanging before the other, but by their information or agreement; and especially that it is essential to the free action of the Assembly, that the Representative of Her Majesty, should not express to Your Honourable House any opinion either of approbation or disapprobation, upon the course to be pursued in relation to any Questions, Bills, or Measures in agitation, Debate, or Preparation, before them.

That while your Committee wholly exonerate His Excellency, the Governor

General, from any intention to infringe upon the Privileges of Your Honourable House, they are of opinion that under the difficulties in which the affairs of the Province are placed, by reason of no Administration having as yet been formed, responsible to Your Honourable House, for the advice they may give to His Excellency, it will be sufficient, upon the present occasion to enter upon Your Journals, Your opinion that the Message in question shall not be drawn into Precedent."

The Honourable Mr. Attorney General Baldwin moved, seconded by the Honourable Mr. Boulton, that this House doth concur with the standing Committee of Privileges and Elections in the said Report.

The question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:

YEAS.

Messieurs ARMSTRONG, AYLWIN, BALDWIN, BARTHE, BERTHELOT, BLACK, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHRISTIE, DEWITT, DUNN, DURAND, GILCHRIST, HARRISON, HINCKS, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, MERRITT, MORIN, MORRIS, MURNEY, PAPINEAU, POWELL, PRICE, PRINCE, QUESNEL, ROBLIN, SIMPSON, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, STEWART, TURCOTTE, D. B. VIGER, and L. M. VIGER.--(38.)

NAYS.

Messieurs CHESLEY, DUNLOP, FOSTER, HALE, JOBIN, MCLEAN, and STEELE--(7.)

So it was carried in the affirmative, and
Resolved, accordingly.

Bankrupts'
Estates.

The Honourable Mr. Solicitor General Aylwin, from the Select Committee, to which was referred the engrossed Bill from the Legislative Council, intituled, "An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts and the Administration and distribution of their Estates and Effects,' and to make provision for the same object throughout the Province of Canada," and another Reference, reported that the Committee had gone through the said Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House, and are as followeth:--
Press 11, Line 8.--After "place" insert "And provided always, that no person shall be a Judge or Commissioner, as aforesaid, in this Province, unless he be a Barrister at Law, of at least five years standing."
Press 35, Line 31.--Leave out from "and" to "Act" in line 33, and insert Clause (A.)

(195)

CLAUSE (A.)

Bankrupts'
Estates.

"And be it enacted, that in all questions not otherwise provided for, the Laws of Upper Canada and of Lower Canada, respectively, shall be resorted to as the Rule of decision on all questions respecting Bankrupts, as the said Laws now respectively obtain in each Section of the Province, and in cases unprovided for in the existing Laws above mentioned, then resort shall be had to the Laws of England, as such Rule of decision in that part of this Province heretofore Upper Canada, and in that only."

Press 40, Line 29.--After "intended" insert Clause (B.)

CLAUSE (B.)

"And be it enacted, that this Act shall be and continue in force for, and during the term of two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer."

Ordered, That the said Amendments be engrossed.

Certain powers
conferred on
Bishop of
Montreal.

The Honourable Mr. Morin from the Select Committee, to which was referred the Bill, to confer certain powers on the Bishop of Montreal, in the transfer of certain lands, reported that the Committee had gone through the Bill, without making any amendments thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

An engrossed Bill, to confer certain powers on the Bishop of Montreal, in the transfer of certain lands, was read for the third time.

Resolved, That the Bill do pass.Ordered, That the Honourable Mr. Morin, do carry the said Bill to the Legislative Council, and desire their concurrence.Supply.

The Honourable Mr. Harrison, accompanied by the other Messengers, reported to the House, that their Address of yesterday, to His Excellency, the Governor General, on the subject of the Resolutions of this House, on supply, had been presented to His Excellency, and that he was pleased to say, He will send an answer by Message.

To define the
character of
Vessels naviga-
ting Inland
Waters of Canada.

Ordered, That Mr. Cameron have leave to bring in a Bill, to ascertain and define the character of all vessels engaged in the navigation of the inland waters and Lakes of this Province, and to distinguish those, the Property of British Subjects from those, the Property of Foreigners; and to regulate the Forms and Proceedings to be observed in carrying on such Trade; and to prevent the fraudulent assignment of any property in such Vessels.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on this day week.

Leave of absence
to Mr. Dunlop.

Ordered, That Mr. Dunlop have leave of absence during the remainder of the present Session.

Report on Limits
and divisions
of City of
Toronto, &c.

Ordered, That the Report of the Select Committee appointed to enquire into the present limits and divisions of the City of Toronto, and the different Towns and Villages having police regulations in Upper Canada; and into the expediency of altering them, or any of them; be referred to the Committee of the whole House, on the Bill, to provide for the Incorporation of Townships, Towns, Counties, and Cities, in Upper Canada.

Salmon Fisheries,
Gaspé.

Mr. Hamilton, accompanied by the other Messengers, reported to the House, that their Address of yesterday, to His Excellency, the Governor General, on the subject of the Salmon Fisheries, in the District of Gaspé, had been presented to His Excellency and that He was pleased to say, He will take the same into His most serious consideration.

Message from
His Excellency
the Governor
General.

Rawson W. Rawson, Esquire, Chief Secretary to His Excellency, the Governor General, was admitted within the Bar, and delivered to Mr. Speaker two Messages from His Excellency, the Governor General, signed by His Excellency.

And then he withdrew.

And the said Messages were read by Mr. Speaker, all the Members of the House being uncovered, and are as followeth:--

C. T. Metcalfe.

Contingencies.

The Governor General informs the House of Assembly that, in compliance with their Address of the 2d instant, he will issue his Warrants in favour of Wm. Burns Lindsay, Esquire, for the amount of nine thousand, one hundred and seventy seven pounds, five shillings, Currency, towards defraying the Contingent Expenses of the House during the present Session, in such sums as occasion may require.

Government House,
5th December, 1843.

C. T. Metcalfe.

Resignation of
Ex. Council.

The Governor General observes with concern from the first portion of the Address of the Legislative Assembly of the 2d instant, that an impression has been made on the House, which has led to a misapprehension of his sentiments and views.

While it is his bounden duty to maintain unimpaired the Prerogative of the Crown, he recognizes the Resolutions adopted by the Legislative Assembly on the 3rd day of September, 1841, as constituting the guide, according to which the administration of the Government of this Province has since been, and is to be conducted.

In expressing his entire concurrence in the second and concluding portion of the Address, he is happy to perceive that the House of Assembly disapprove and discountenance any attempt, to require the Head of the Government to enter into any stipulation as to his exercise of the Prerogative of the Crown.¹

Government House,
Kingston, 4th December, 1843.

MR. BOULTON ... ((said)) this message ... ((contained)) a breach of privilege, ... it was an imputation upon the house; a misquotation of the address to His Excellency, and the work of some designing person.²

MR. LAFONTAINE said, that although no further action should be taken with reference to it, he was desirous that the silence of the house should not be considered as approving of it. It was strange that it could not be ascertained, who were His Excellency's advisers.³

MR. JOHNSTON said in plain terms, that the whole evidently was an attempt to bully His Excellency into filling the treasury benches. He however, had had too much experience, not to see through the schemes of a set of artful designing men. He (Mr. Johnston) hoped that the country would support His Excellency, seeing the base artifices that were at work.⁴

SIR A. N. MACNAB said the wish apparently was to combat His Excellency's desire to proceed with the business of the country.⁵

(195)

Common
Schools.

Ordered, That Mr. Merritt have leave to bring in a Bill to appropriate the proceeds of the waste Lands of the Crown and the Casual and Territorial Revenue, for the purposes of Common Schools, and to limit the time for calling in Scrip under a certain Act therein mentioned.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Wednesday the thirteenth Instant.

Resignation of
Ex. Council.

Ordered, That two thousand five hundred copies of the Message of His Excellency, the Governor General, of this day, on the subject of the resignation of the late Executive Councillors, be printed in each of the English and French Languages, for the use of the Members of this House.

Gaol and Court
House, County
of Haldimand.

Mr. Thompson moved, seconded by Mr. Simpson, for leave to bring in a Bill, to enable the Provisional Court of Wardens to be appointed for the County of Haldimand, to borrow money for the purpose of building a Court House and Gaol in the said County.

The question having been put upon the said motion, a division ensued, and it passed in the Negative.

Common
Schools U. C.

Mr. Price, from the Committee of the whole House on the Bill, to provide for the establishment

(196)

and maintenance of Common Schools, in that part of this Province called Upper Canada, reported according to order, the amendments made by the Committee to the said Bill, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the following Clause be added to the said Bill after the last Clause:

"And be it enacted, that an Act of the Parliament of this Province passed in the Session held in the 4th and 5th years of Her Majesty's Reign, and intituled 'An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout this Province,' shall upon, from, and after, the day last aforesaid, be repealed in so far as relates to that part of this Province called Upper Canada, in and with regard to which, it shall upon, from, and after, the said day have no force or effect, excepting always the first, second, and third sections of the said Act; and so much of the twenty-first section as provides for the due accounting for the application of the moneys appropriated by the second and third sections of the said Act."

Ordered, That the said Bill, as amended, be engrossed.

An Engrossed Bill to provide for the establishment and maintenance of Common Schools in that part of this Province called Upper Canada was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Hincks do carry the said Bill to the Legislative Council, and desire their concurrence.

Estates & Pro-
perty Ordinance
Department.

The Order of the Day for the second reading of the Bill, for vesting in the Principal Officers of Her Majesty's Ordinance, the estates and property therein described; for granting certain powers to

the said Officers; and for other purposes therein mentioned, being read,
The said Bill was accordingly read, and committed to a Committee of the whole House, tomorrow.

Quebec and
Montreal Police.

The Order of the Day for the second reading of the Bill, to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal," being read,

The said Bill was accordingly read and committed to a Committee of the whole House.

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Simpson reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read at the Clerk's table.

Resolved, That the Rule and Practice in this case be dispensed with, and that the Question of Concurrence be now put upon the said amendment.

And the said amendment being again read, and the Question of Concurrence being put thereon, it was unanimously agreed to.

Ordered, That the said Bill, as amended, be engrossed.

Towns &c.
Incorporations.

The Order of the Day for the House in Committee on the Bill, to provide for the incorporation of Townships, Towns, Counties, and Cities, in Upper Canada, being read,

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee, ⁶

The bill to divide Upper Canada into counties was ... hurried through committee, amidst a scene of riotous confusion and disorder, that gave it all the appearance of a general scramble. MR. AYLWIN's voice ... was ... heard above all the rest.⁷

(196)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again, at the next sitting of the House.

Bankrupts'
Estates.

An Engrossed Bill, from the Legislative Council, intituled, "An act to repeal an Ordinance of Lower Canada, intituled 'An Ordinance concerning Bankrupts and the Administration and distribution of their Estates and Effects, and to make provision for the same object throughout the Province of Canada,'" as amended was read for the third time.

Resolved, That the Bill as amended, do pass.

Ordered, That the Honourable Mr. Solicitor General Aylwin do carry back the said Bill to the Legislative Council, and acquaint their Honors that this House hath passed the same with several Amendments, to which they desire the concurrence of their Honors.
The House then adjourned until six o'clock P. M. this Day.

6 O'Clock P. M.

Resolved, That a Message be sent to the Honourable the Legislative Council, to acquaint their Honors, that the Engrossed Bill, intituled, "An Act to repeal an Ordinance of Lower Canada, concerning Bankrupts, and the Administration and distribution of their Estates and Effects," and to make provision for the same object throughout the Province of Canada," had been carried to their Honors by mistake, and to request that their Honors will be pleased to return the same to this House.

Ordered, That Mr. Boswell do carry the said Message to the Legislative Council.

Towns &c.
Incorporation.

The House again went into Committee on the Bill, to provide for the Incorporation of Townships, Towns, Counties, and Cities, in Upper Canada.

Mr. Johnston took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments, were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Territorial di-
vision of Upper
Canada.

The order of the day for the House in Committee on the Bill, for the better division of that part of this Province called Upper Canada, into Counties; for abolishing the territorial division thereof into Districts, and providing for temporary unions of Counties for judicial and other purposes, and the future dissolution of such Unions, as the increase of population may require, being read,

Mr. Stewart moved, seconded by Mr. Thompson, that the Petition of Duncan McLeod and others, Inhabitants of the Eastern and Ottawa Districts, praying that the five northern concessions of Lochiel, and the four northern concessions of Kenyon, in the Eastern District, be formed into one Township, and added to the County of Prescott, in the District of Ottawa, be referred to the said Committee, and that the Rules of this House be dispensed with, in so far as they relate to the present Petition.

The Question having been put upon the said motion, a division ensued, and it passed in the Negative.

The House then resolved itself into the said Committee.

(197)

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Simpson reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Quebec and
Montreal Police.

An Engrossed Bill to alter and amend certain Provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled "An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That the Honourable Mr. Solicitor General Aylwin, do carry the said Bill to the Legislative Council, and desire their concurrence.

Resignation of
Ex. Council.

The Honourable Mr. Boulton moved, seconded by Mr. Christie, that the Message of His Excellency, the Governor General, in answer to the Address of this House, on the retirement of certain Members of the late Administration, be now read.

Orders of the
day.

Ordered, That this House do now proceed on the Orders of the Day.

Contingencies.

The Order of the Day for the House in Committee on the sixth Report of the Standing Committee of Contingencies, being read,

Resolved, That this House will, tomorrow, resolve itself into the said Committee.

Civil List.

The order of the day for taking into consideration a series of Resolutions proposed by Mr. Christie, yesterday, on the subject of the Civil List, being read;

The House proceeded accordingly to take the said Resolutions into consideration.

And the first to the fourth of the said Resolutions being again severally read, and the Question of concurrence being separately put upon each, they were agreed to by the House.

The fifth of the said Resolutions being again read;

The Honourable Mr. Hincks moved in amendment, seconded by Mr. Thorburn, that the word "Puisse" be inserted before the word "Judges"

in the said Resolution.

The Question having been put on the motion of amendment, a division ensued; and the names being called for, they were taken down as followeth;

YEAS.

Messieurs AYLWIN, BOSWELL, CHILD, DEWITT, DUNN, DURAND, GILCHRIST, HINCKS, HOPKINS, MERRITT, MORIN, MORRIS, POWELL, ROBLIN, THOMPSON, THORBURN, D. B. VIGER, and WILLIAMS.--(18.)

NAYS.

Messieurs BALDWIN, BERTHELOT, BLACK, BOULTON, BOUTILLIER, BEAUBIEN, CARTWRIGHT, CHESLEY, CHRISTIE, FORBES, FOSTER, HAMILTON, JOHNSTON, LAFONTAINE, LESLIE, SIR ALLAN N. MACNAB, J. S. MACDONALD, MCLEAN, MOORE, MURNEY, NOEL, QUESNEL, SMALL, HARMANNUS SMITH, GEORGE SHERWOOD, TACHE, TURCOTTE, L. M. VIGER, and WOODS.--(29.)

So it passed in the negative.

The Question being then put on the said fifth Resolution, it was agreed to by the House.

Civil List.

The sixth of the said Resolutions being again read, and the Question being put thereon, it passed unanimously in the negative.

The seventh of the said Resolutions being again read, and the Question being put thereon, it was agreed to by the House.

The eighth and last of the said Resolutions being again read, and the Question of concurrence being put thereon, it passed unanimously in the negative.

Mr. Christie moved, seconded by Mr. Thompson, that it is the opinion of this House, that the Office of Chief or Civil Secretary, to which is annexed a salary (£1620 Sterling) exceeding considerably any of those by law appertaining to the highest and most important offices in the Province, including those of the Chief Justices in Lower Canada, the Chief Justice of Upper Canada, and the Vice Chancellor thereof, respectively, and next to that of the Governor General, is an unnecessary and burdensome charge on the Civil List of the Province, and ought forthwith to be abolished, and the duties thereof transferred to the Provincial Secretary, responsible to this House, as a Member of Her Majesty's Executive Council in this Province, and in that quality a responsible adviser of His Excellency the Governor General.⁸

MR. BOULTON said that the Chief Secretary was like a spy⁹.

MR. HINCKS ... ((said)) the term Chief Secretary was a mere assumption.¹⁰

(197)

Sir Allan N. MacNab moved, seconded by Mr. Cartwright, that the further consideration of the said motion be postponed, until this House shall take further action on the foregoing Resolutions.

The Question having been put upon the said motion, a division ensued; and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs CARTWRIGHT, FORBES, FOSTER, SIR ALLAN N. MACNAB, MCLEAN, MURNEY, and GEORGE SHERWOOD.--(7.)

NAYS.

Messieurs AYLWIN, BALDWIN, BERTHELOT, BLACK, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHRISTIE, DEWITT, DUNN, DURAND, GILCHRIST, HINCKS, HOPKINS, LAFONTAINE, LESLIE, D. MCDONALD, J. S. MACDONALD, MERRITT, MORIN, MORRIS, POWELL, QUESNEL, ROBLIN, SMALL, HARMANNUS SMITH, THOMPSON, THORBURN, and L. M. VIGER.--(31.)

So it passed in the negative.

A resolution was then moved, to abolish the office of Solicitor-General, in Eastern and Western Canada, upon the same grounds.¹¹

This was ... opposed by Mr. Baldwin¹².

((It was)) withdrawn.¹³

(197)

The Question being then put on the main motion, the House divided thereon; and the names being called for, they were taken down, as followeth:

YEAS.

Messieurs AYLWIN, BALDWIN, BERTHELOT, BLACK, BOSWELL, BOULTON, BOUTILLIER, BEAUBIEN, CAMERON, CHRISTIE, DEWITT, DUNN, DURAND, GILCHRIST, HINCKS, HOPKINS, LAFONTAINE, LESLIE, D. MCDONALD, J. S. MACDONALD, MERRITT, MORIN, MORRIS, MURNEY, POWELL, QUESNEL, ROBLIN, SMALL, HARMANNUS SMITH, GEORGE SHERWOOD, THOMPSON, THORBURN, and L. M. VIGER.--(33.)

NAYS.

Messieurs CARTWRIGHT, FORBES, FOSTER, SIR ALLAN N. MACNAB, and MCLEAN.--(5.)

So it was carried in the affirmative, and Resolved, accordingly.

Resolved, That a Special Committee, composed of Mr. Christie, the Honourable Mr. Boulton, Sir Allan N. McNab, the Honourable Mr. Attorney General Baldwin, and Mr. Boswell, be appointed to prepare and report the draught of an humble Address to Her Majesty in conformity with the foregoing Resolutions, together with an humble

(198)

Address to His Excellency, the Governor General, praying His Excellency will be pleased to cause the said Address to Her Majesty, to be laid at the foot of the Throne.

N. A. Colonial
Association of
Ireland.

The Order of the day for the House in Committee on the Bill, to give further powers to the North American Colonial Association of Ireland, being read,

The Honorable Mr. Solicitor General Aylwin, moved, seconded by the Honourable Mr. Boulton, that the said order of the day be discharged.

Sir Allan N. McNab moved, in amendment, seconded by Mr. Cartwright; that all the words after "That" in the said motion, be struck out, and the following substituted, "the remaining orders of the day be postponed until to-morrow."

The Question having been put on the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs BOSWELL, CAMERON, CARTWRIGHT, CHRISTIE, FOSTER, JOHNSTON, SIR ALLAN MACNAB, MORRIS, MURNEY, POWELL, GEORGE SHERWOOD, THOMPSON, THORBURN, and WOODS.--(14.)

NAYS.

Messieurs AYLWIN, BALDWIN, BOULTON, BOUTILLIER, BEAUBIEN, DEWITT, DUNN, DURAND, GILCHRIST, HINCKS, HOPKINS, LAFONTAINE, LESLIE, MOORE, MORIN, and SMALL.(16.)

So it passed in the Negative.

And the House having continued to sit, till after twelve of the clock, on Wednesday morning.

Wednesday, 6 December 1843.

The question being then put on the main motion, it passed unanimously in the Negative.

Orders
Postponed.

Ordered, That the remaining Orders of the day be postponed until the next sitting of the House.

Leave of ab-
sence to Mr.
Berthelot.

Ordered, That Mr. Berthelot have leave of absence
during the remainder of the Session, on urgent
business.

*Then on motion of Mr. Morris, seconded by Mr. Cartwright,
The House adjourned until ten o'clock, A. M. this day.*

FOOTNOTES - 5 DECEMBER 1843.

1. This debate was reported in identical accounts in the BRITISH COLONIST, 12 December 1843 and the MONTREAL GAZETTE, 12 December 1843, except that the BRITISH COLONIST includes an excerpt from the JOURNALS which the MONTREAL GAZETTE reported in an earlier issue.
2. BRITISH COLONIST, 12 December 1843.
3. IBID.
4. IBID.
5. IBID.
6. The following was reported in: BRITISH COLONIST, 12 December 1843, and MONTREAL GAZETTE, 12 December 1843, in identical accounts.
7. BRITISH COLONIST, 12 December 1843.
8. The following was reported in: BRITISH COLONIST, 12 December 1843, and MONTREAL GAZETTE, 12 December 1843, in identical accounts.
9. BRITISH COLONIST, 12 December 1843.
10. IBID.
11. IBID.
12. IBID.
13. IBID.

WEDNESDAY, 6 DECEMBER 1843.¹

10 O'Clock A. M.

(198)

Two Petitions
brought up.

THE following Petitions were severally brought up and laid on the table:--

By the Honourable Mr. Black--The Petition of Thomas Simard and other Pilots, for and below the Harbour of Québec; and the Petition of T. A. Stayner, Esquire, and others, Officers of the Québec British and Canadian School Society.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Geoffrey B. Hall and others, Inhabitants of the Township of Walpole; praying for the annexation of that Township to the County of Norfolk.

Of the Municipal Council of the District of Talbot; praying for certain amendments to the Assessment Bill now before the Legislature.

Petition of Mu-
nicipal Council,
District of Tal-
bot, referred.

Ordered, That the Petition of the Municipal Council of the District of Talbot, be referred to the Committee of the whole House on the Bill, to establish a more equal and just system of Assessment in the several Townships, Towns, and Cities, in Upper Canada.

Address to His
Excellency on
formation of a
new Administration.

The Honourable Mr. Boulton moved, seconded by Mr. Taché.

That an humble Address be presented to His Excellency the Governor General, expressing the deep anxiety of this House at the delay which has taken place in the formation of a new Administration, since the resignation of the late advisers of his Excellency, the Governor General, communicated to this House on the twenty-seventh day of November last. That His Excellency having fully concurred in the Resolutions of this House, of the 3d September, 1841, whereby it is amongst other things, declared that, in order "to preserve between the different Branches of the Provincial Parliament, that harmony which is essential to the peace, welfare and good Government of the Province, the Chief Advisers of the Representative of the Sovereign, constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the People," and that "the management of our local affairs can only be conducted by the Head of the Executive Government, by and with the assistance, counsel, and information of such Provincial Administration." That in full reliance upon the oft expressed intentions of His Excellency to carry on the Government upon these sound constitutional principles so clearly enunciated by this House, and concurred in by His Excellency,

this House, with an earnest desire not to offer any unnecessary obstruction to the progress of Public affairs, during a period which might reasonably have been regarded as sufficient for the formation of a new Administration, has consented to the passing of several important measures eagerly looked for by the People of this Province, in the absence of any one representing the Government within the walls of Parliament. But feeling the increasing difficulties which every day's experience has warned us of in thus proceeding, under a suspension of those principles to which the People of this great Country look, for the maintenance and preservation of their Rights and Liberties, this House has come to the determination, humbly to tender to His Excellency their advice, that His Excellency will be graciously pleased to take such measures, as are best calculated for the formation of a strong and efficient administration, and thus "affording a guarantee that the well understood wishes of the People, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated,"

On motion of Mr. Hamilton, seconded by Mr. Williams,
Ordered, That the consideration of the said motion be postponed until tomorrow.

Ordered, That the said proposed Address be printed for the use of the Members of this House.

Alfred &
Plantagenet.

Mr. D. McDonald, moved, seconded by Mr. Stewart, for leave to bring in a Bill for the annexation of the Townships of Alfred and Plantagenet to the County of Russell, and for other purposes therein mentioned.

The Question having been put upon the said motion, a division ensued, and it passed in the negative.

Bankrupts'
Bill.

Mr. Boswell reported to the House that their Message to the Legislative Council of yesterday, on the subject of the Engrossed Bill, intituled,

(199)

"An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts and the administration and distribution of their Estates and Effects,' and to make provision for the same object throughout the Province of Canada," which had been sent to their Honors by mistake, had been carried to the Legislative Council, and that their Honors had returned the said Bill.

Resolved, That the said Bill be now re-committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Taché took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Taché reported that the Committee had gone through the Bill and had made further Amendments thereto, which amendments were again read at the Clerk's table, and are as followeth:--

In the eighty-first Clause, fill up the first blank with the words

-"forty shillings."
- " Second blank with the words "ten shillings."
- " Third blank with the words "one shilling."
- " Fourth blank with the words "one shilling."
- " Fifth blank with the words "one shilling and three pence."

Resolved, That the rule and Practice in this case be dispensed with, and that the Question of Concurrence be now separately put upon each of the said Amendments.

And the said Amendments being again severally read and the Question of Concurrence being separately put upon each, they were agreed to by the House.

Ordered, That the said Amendments be engrossed.

Report on Petition
of John Harris and
others.

Mr. Merritt from the Select Committee to which was referred the Petition of John Harris and others, Inhabitants of Grimsby and other Townships, in the District of Niagara, and other References, presented to the House the Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have carefully examined the Petition of John Harris and others, and the Map of the Counties of Lincoln and Haldimand, in the said District.

It appears to your Committee by reference to the said Map, that attaching the Townships of Walpole and the Indian Lands on the West side of the Grand River, to the County of Norfolk, and the remaining portion of the Indian Lands on the East side of the Grand River, in a line between Binbrook and Caistor, running South until it intersects the Township Line of Cayuga, and thence Westerly, up to the Grand River, to the District of Gore; and dividing the District of Niagara by a line drawn from Lake Ontario, between Louth and Clinton, Gainsborough and Pelham; and thence South through Wainfleet to Lake Erie; would render access to the nearest County Towns most convenient to the Inhabitants residing therein.

But your Committee have no desire to urge any decision which may not meet the approbation of the majority of the Inhabitants, residing in the said District.

Your Committee having also taken into consideration the Entries in the Journals of this House, of the 26th September, 1842, relating to the Petition of Richard Brown and others, of the County of Haldimand, praying that the said County may be erected into a separate District, under the name of "Manchester," beg to report:

That feeling desirous that the division of the District of Niagara, should meet the approbation of the majority of the Inhabitants, who are to be affected by it, they cannot devise a more satisfactory arrangement, than leaving the decision of the boundaries to a majority of the District Council, at which every Township will be represented, and the locality as well as convenience and interest of the Inhabitants best understood."

Message from
Legislative
Council.

A Message from the Legislative Council, by
John Fennings Taylor, Esquire, one of the Masters
in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills without any amendment.

Common
Schools U. C.

"An Act for the establishment and maintenance
of Common Schools in that part of this Province
called Upper Canada."

Boundary Line
Commissioners.

"An Act to afford to persons having been
Boundary Line Commissioners, a more easy and less
expensive mode of recovering costs still due on
Judgments rendered in that capacity."

And then he withdrew.

Public
Accounts.

Ordered, That Mr. Merritt have leave to bring in a
Bill to prescribe the manner in which the
Public Accounts shall be annually laid before
the Legislature.

He accordingly presented the said Bill to the House, and the same
was received and read for the first time, and ordered to be read a
second time, on Wednesday next.

Chartered Banks.

The Order of the day for the House in Committee
on the Bill, to authorize the Chartered Banks of
this Province to open Books in the United Kingdom for the transfer of
their Stock, being read,

The House accordingly resolved itself into the said Committee.

Mr. Beaubien took the Chair of the Committee, and after some time
spent therein,

Mr. Speaker resumed the Chair,

And Mr. Beaubien reported that the Committee had gone through the
Bill without making any amendment thereto, and the Report was again
read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Vesting Estates
and Property
in Ordnance
Department.

The Order of the day for the House in Committee
on the Bill, for vesting in the Principal Officers
of Her Majesty's Ordnance, the Estates and Property
therein described; for granting certain powers to
the said Officers; and for other purposes therein
mentioned, being read,

The House accordingly resolved itself into the said Committee.

Mr. Harmannus Smith took the Chair of the Committee, and after some
time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Harmannus Smith reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table.

Ordered, That the Question of Concurrence be now separately put upon each of the said amendments.

And the first to the fifth of the said amendments, inclusively, being again severally read, and the question of concurrence being separately put upon each, they were agreed to by the House.

The sixth and last of the said amendments being again read,

Mr. George Sherwood moved, in amendment, seconded by Mr. Cartwright, that the words "at Eytown," be struck out of the said amendment.

The Question having been put upon the motion of amendment, a division ensued, and the names being called for, they were taken down, as followeth:--

(200)

YEAS.

Messieurs CARTWRIGHT, CHRISTIE, FOSTER, MURNEY, PRICE, SMALL, HENRY SMITH, HARMANNUS SMITH, GEORGE SHERWOOD, and L. M. VIGER.--(10.)

NAYS.

Messieurs BLACK, BEAUBIEN, DERBISHIRE, HINCKS, JOHNSTON, LAFONTAINE, SIR ALLAN N. MACNAB, J. S. MACDONALD, MORIN, PARKE, PRINCE, STEWART, THORBURN, and D. B. VIGER.--(14.)

So it passed in the Negative.

The said sixth amendment being then again read, and the Question of Concurrence being put thereon, it was agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Contingencies.

The Order of the day for the House in Committee on the sixth Report of the Standing Committee of Contingencies, being read,

The House accordingly resolved itself into the said Committee.

Mr. Durand took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Durand reported, that the Committee had come to several Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received tomorrow.

Estate &c. of Bankrupts.

An Engrossed Bill from the Legislative Council, intituled, "An Act to repeal an Ordinance of Lower Canada, intituled 'An Ordinance concerning Bankrupts and the administration and distribution of their Estates and Effects,' and to make provision for the same object throughout the

Province of Canada," as further amended, was again read.

Resolved, That the said Bill, as further amended, do pass.

Ordered, That the Honourable Mr. Solicitor General Aylwin do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to the same, with further amendments, to which they desire the concurrence of their Honours.

Address to Her Majesty on Subject of the Civil List.

Mr. Christie, from the Special Committee appointed to prepare and report the draught of an humble Address to Her Majesty, in conformity with the Resolutions of this House, of yesterday, on the subject of the Civil List, together with an humble

Address to His Excellency, the Governor General, praying His Excellency will be pleased to cause the said Address to Her Majesty to be laid at the foot of the Throne, presented to the House the Addresses prepared by the said Committee, which Addresses were again severally read at the Clerk's table, and agreed to by the House; and are as followeth:

To the Queen's Most Excellent Majesty.

MOST GRACIOUS SOVEREIGN:

We, Your Majesty's dutiful and loyal Subjects, the Commons of Canada in Provincial Parliament assembled, actuated by a consideration of the heavy and increasing liabilities of the Province the decrease of the Revenue, and a just regard for economy, humbly beg leave to approach Your Majesty, and to lay at the foot of the Throne, certain Resolutions we have at the present Session deemed it our duty to adopt, in reference to the expenses of Your Majesty's Civil Government in this Province, and other matters in connection therewith.

We are humbly of opinion that no appropriation of any moneys levied upon Your Majesty's Subjects in this Province, ought to be made without the free consent of their Representatives in the Legislative Assembly thereof.

That the appropriation by the Act of the Imperial Parliament, commonly called in this Province "The Union Act", of Seventy five thousand pounds, annually, of the monies levied upon Your Majesty's Subjects in Canada, towards defraying the Administration of Justice, and support of Your Majesty's Civil Government therein, that is to say, the annual sum of Forty five thousand pounds, permanently, for Salaries and Pensions to the Judges, Attornies-General, and Solicitors General, and other expenses of the Judicial Establishment, and Thirty thousand pounds annually, during the Reign of Your Majesty, (whom God long preserve,) and for five years next thereafter, to defray a Civil List and certain expenses of the Civil Government, however expedient such appropriation by Act of the Imperial Legislature, may have been under the peculiar circumstances of the Canadas at the period when the Act was passed, now that those circumstances, happily, have passed away, which may have rendered it a measure of necessity, is unsatisfactory to Your Majesty's loyal Subjects in this

Province, inasmuch as it withdraws from the control of their Representatives, a large proportion of the Public Revenue, raised upon them, and is of a tendency to create, foster, and perpetuate abuses in the misapplication of the public moneys; and also, is in contravention to the Declaratory Act of the Parliament of Great Britain in 1778, by which it is declared that "the King and Parliament of Great Britain will not impose any Duty, Tax, or Assessment, whatever payable in any of His Majesty's Colonies, Provinces and Plantations in North America, or the West Indies, except only such duties as it may be expedient to impose for the regulation of Commerce, the net produce of such Duties to be always paid and applied to and for the use of the Colony, Province or Plantation in which the same shall be respectively levied, in such manner as other Duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces or Plantations are ordinarily paid and applied."

That the repeal of the aforesaid appropriation would be conducive to the general contentment of Your Majesty's loyal Subjects in this Province, and to the peace, welfare and good government thereof, and tend to strengthen and perpetuate the bonds which happily unite it with the Parent State.

That Your Majesty's faithful Subjects, the Commons of Canada in Provincial Parliament assembled, not less mindful of their duty towards Your Majesty, our Most Gracious Sovereign, than of the trust reposed in them by Your Majesty's dutiful and loyal Subjects in this Province, are of opinion that the necessary provision for the support of Your Majesty's Civil Government, and the Administration of Justice therein, in a manner suited to the honor and dignity of Your Majesty's Crown, ought to proceed solely from the free and voluntary vote of Your Majesty's faithful Subjects, the Commons aforesaid, to whom also the right of controlling the outlay and application of all monies levied in the Province, and of defining and fixing the Civil List thereof, and of setting limits to the same, constitutionally belongs.

That the existing Salaries, those of the Judges excepted, upon the Civil List of the Province, and generally the expenses of the Civil Government in all Departments thereof, are exorbitant, and ought to be reduced on a scale corresponding to the resources and liabilities of the Province.

That Your Majesty's faithful Subjects, the Commons of Canada, are prepared, and will, when thereunto called upon by Your Majesty, make, in conformity with the well understood wishes of Your Majesty's dutiful and

(201)

loyal Canadian Subjects, a constitutional and permanent provision for the Salaries to the Judges in this Province, and for suitable retiring Pensions to such of them as from age, infirmity, or accident, shall become incapacitated for duty, and generally for such other permanent Salaries and charges, as are indispensable to the due administration of Justice therein, as well as a provision, during Your Majesty's Reign,

(which God prolong), for a Civil List, agreeably with the usages of the Imperial Parliament in the like case, it being provided in the enactments to be passed on the subject, that the same shall only go into effect when the aforesaid appropriation of Seventy-five thousand pounds Sterling, annually, by the Union Act, shall have been repealed, by the said Imperial Parliament, and the public moneys levied upon Your Majesty's Subjects in this Province have been replaced at the free disposal of their Representatives.

That the office of Chief or Civil Secretary, to which is annexed a salary (One thousand six hundred and twenty pounds Sterling), exceeding considerably any of those appertaining to the highest and most important offices in the Province, including those of the Chief Justices in Lower Canada, the Chief Justice of Upper Canada, and the Vice Chancellor thereof, respectively, and next to Your Majesty's Representative in this Province, the Governor General thereof, is an unnecessary and burdensome charge on the Civil List of the Province, and ought, in the opinion of Your Majesty's faithful Commons, to be forthwith abolished, and the duties thereof transferred to the Provincial Secretary, responsible to Your Majesty's faithful Commons, as a Member of Your Majesty's Executive Council in this Province, and in that quality a responsible adviser of His Excellency, Your Majesty's Representative the Governor General aforesaid.

All which Your Majesty's faithful Commons humbly beseech Your Majesty graciously to receive.

Address to His
Excellency to
transmit the
above Address.

To His Excellency the Right Honourable SIR CHARLES
THEOPHILUS METCALFE, Baronet, Knight Grand
Cross of the Most Honourable Order of the Bath,
One of Her Majesty's Most Honourable Privy
Council, Governor General of British North
America, and Captain General and Governor in Chief, in and over the
Provinces of Canada, Nova Scotia, New Brunswick, and the Islands of
Prince Edward, and Vice Admiral of the same, &c. &c.

We, Her Majesty's dutiful and Loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, actuated by a consideration of the heavy and increasing liabilities of the Province, the decrease of the Revenue, and a just regard for economy, having agreed to address Her Majesty, relative to the expenses of Her Majesty's Civil Government in this Province, and other matters in connection therewith, humbly request Your Excellency will be graciously pleased to transmit the same, to be laid at the foot of the Throne.

Ordered, That the said addresses be engrossed.

Ordered, That Mr. Christie, Mr. Thompson, Mr. J. S. Macdonald, and
Mr. Beaubien, do present the said Addresses to His Excellency, the
Governor General.

Ordered, That two hundred and fifty copies of the said Address to Her
Majesty, and of the Proceedings of this House relating to the same
subject, be printed in each of the English and French languages, for
the use of the Members of this House.

Counties
division Bill,
U. C.

An Engrossed Bill for the better division of that part of this Province called Upper Canada, into Counties; for abolishing the territorial division thereof into Districts, and providing for temporary unions of Counties for judicial and other purposes; and the future dissolution of such unions as the increase of population may require, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Thompson do carry the said Bill to the Legislative Council, and desire their concurrence.

Seventh Report
on Contingencies.

Mr. Thorburn, from the Standing Committee of Contingencies, presented to the House the seventh Report of the said Committee, which was again read at the Clerk's table, and is as followeth:--

"Your Committee have taken into their consideration the Petition of Thaddeus Patrick, one of the Junior Clerks in the Office of the Clerk of Your Honourable House, and refrain from recommending any addition to his allowance, as they conceive his being placed on an annual Salary, as recommended in the fourth Report of Your Committee, a sufficient equivalent for his past services.

"They have also considered the Petition of William Ross, Chief Clerk of Committees, praying to be placed, in point of annual Salary, on the same footing as William P. Patrick, Chief Office Clerk; Your Committee are fully aware of the competency of the services of Mr. Ross, nevertheless they cannot recommend, under existing circumstances, that any addition be made to his present Salary.

"They also abstain from recommending any extra allowance to any of the Messengers, who have made application to Your Committee for that purpose."

Chartered
Banks.

An Engrossed Bill, to authorize the Chartered Banks of this Province to open Books in the United Kingdom for the transfer of their Stock, was read for the third time.

Resolved, That the Bill do pass, and the Title be, "An Act to authorize the Commercial Bank of the Midland District, and the Bank of the Niagara District, to open Books for the transfer of their Stock in the City of London, and to set aside certain portions of their Stock for that purpose."

Ordered, That Mr. Morris do carry the said Bill to the Legislative Council, and desire their concurrence.

Upper Canada
Loan & Trust
Company.

The Order of the Day for the House in Committee on the Bill, for incorporating and granting certain powers to the Upper Canada Trust and Loan Company, being read,

The House accordingly resolved itself into the said Committee.

Mr. Christie took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Christie reported that the Committee had gone through the Bill, without making any amendment thereto, and the Report was again read at the Clerk's table.

Ordered, That the said Bill be engrossed.

Management and
regulation of
Provincial
Customs.

The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Morin, that the Order of this House, that the Bill, intituled, "An Act to repeal the Acts, Ordinances, and provisions of Law therein mentioned, relative to the management and regulation of the Provincial Customs, and to Duties of Customs, and other Duties imposed by Provincial Laws, and to the licensing of Tavern Keepers and Venders of Spirituous and other Liquors, Auctioneers, Distillers, Hawkers and Pedlars, and Keepers of Billiard Tables," and also that the Bill, intituled, "An Act to provide for the management of the Customs and of matters relative to the collection of the Provincial Revenue," be taken to the Honourable the Legislative Council, be rescinded.

The Question being put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth.--

(202)

YEAS.

Messieurs AYLWIN, BALDWIN, BLACK, BOSWELL, BOULTON, BEAUBIEN, CAMERON, CHRISTIE, DURAND, FORBES, GILCHRIST, HINCKS, LAFONTAINE, MORIN, POWELL, PRICE, PRINCE, ROBLIN, SIMPSON, SMALL, TACHE, THOMPSON, THORBURN, and D. B. VIGER.--(24.)

NAYS.

Messieurs CARTWRIGHT, CHESLEY, JOHNSTON, SIR ALLAN N. MACNAB, MCLEAN, GEORGE SHERWOOD, and STEWART.--(7.)

So it was carried in the affirmative, and Ordered, accordingly.

Commissioners
of Bankrupts.

Mr. Parke laid before the House, by command of His Excellency, the Governor General,

Return to an Address of the Legislative Assembly, bearing date the fifth of October last, to His Excellency, the Governor General, for Statements of the Official business done by the Commissioners of Bankrupts, appointed in Lower Canada, under the Ordinance, intituled, "An Ordinance concerning Bankrupts, and the administration and distribution of their Estates and Effects."

(For the said Return, see Appendix N. N.)

Vesting Estates
and property in
hands of Ordnance
Department.

An engrossed Bill for vesting in the Principal Officers, of Her Majesty's Ordnance, the Estates and Property therein described; for granting certain powers to the said Officers; and for other purposes therein mentioned, was read for the third time.

Resolved, That the Bill do pass,

Ordered, That the Honourable Mr. Black do carry the said Bill, to the Legislative Council, and desire their concurrence.

Anatomy.

The Order of the day, for the House in Committee on the Bill, to regulate and facilitate the Study of Anatomy, being read.

The House accordingly resolved itself into the said Committee.

Mr. Roblin took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Roblin reported that the Committee had gone through the Bill, and had made an amendment thereto, which amendment was again read, at the Clerk's table.

Resolved, That the Rule and Practice in this case be dispensed with, and that the Question of concurrence be now put upon the said amendment.

And the said amendment being again read, and the Question of concurrence being put thereon, it was agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Land Surveyors.

Ordered, That Mr. Parke have Leave to bring in a Bill, to repeal an Ordinance and Act therein mentioned, and to make better provision respecting the admission of Land Surveyors, and the Survey of Lands, in Lower Canada.

He accordingly presented the said Bill to the House, and the same was received and read for the first time, and ordered to be read a second time, on Friday next.

Lots and Gores
of Land in
Beverly.

Ordered, That Mr. Parke have Leave to bring in a Bill, to establish the Boundaries of the Lots and Gores of Land in the sixth, seventh, eighth, ninth, and tenth Concessions of the Township of Beverly, in the County of Halton.

He accordingly, presented the said Bill to the House, and the same was received and read for the first time and ordered to be read a second time, on Friday next.

Registry Laws
Upper Canada.

The Order of the day, for the House in Committee on the Bill, to alter and amend the Registry Laws, of that part of this Province, which was formerly Upper Canada, being read.

The House accordingly resolved itself into the said Committee.

Mr. J. S. Macdonald took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair.

Adjournment.

The House then adjourned until six o'clock,
P. M. this day.

6 O'Clock P. M.

A message from the Legislative Council by John Fennings Taylor,
Esquire, one of the Masters in Chancery.

Mr. Speaker,

Message from
Leg. Council.

The Legislative Council have passed the following Bills with amendments, to which they desire the concurrence of the Assembly.

Estates and
property vested
in Ordinance
department.

"An Act for vesting in the Principal Officers of Her Majesty's Ordinance, the Estates and Property therein described; for granting certain powers to the said Officers; and for other purposes therein mentioned.

Transfer of
Lands by Bi-
shop of Montreal.

"An Act to confer certain powers on the Bishop of Montreal, in the transfer of certain Lands."

And also,

Bankrupts
Estates.

The Legislative Council have agreed to the amendments made by the Legislative Assembly to the Bill, intituled, "An Act to repeal An Ordinance of Lower Canada intituled, 'An Ordinance concerning

Bankrupts and the administration and distribution of their Estates and Effects;' and to make provision for the same object throughout the Province of Canada" ' without any amendment,

And then he withdrew.

On motion of the Honourable Mr. Black, seconded by Mr. Johnston,

Vesting Estates
&c. in Ordinance
Department.

Ordered, That the Amendment made by the Legislative Council to the Bill, intituled, "An Act for vesting in the Principal Officers of Her Majesty's Ordinance, the Estates and Property therein described; for granting certain powers to the said Officers; and for other purposes therein mentioned," be now taken into consideration.

The House proceeded accordingly to take the said Amendment into consideration.

And the said Amendment was read, and is as followeth:--

Press 20. Line 9. Leave out "tenth" and insert "fifth."

And the said Amendment being again read, it was agreed to by the House.

Ordered, That the Honourable Mr. Black do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendment.

Sessional allowance to Members.

On motion of Mr. Christie, seconded by Mr. Henry Smith,

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider of the Sessional Allowance to Members for their attendance during the present Session.

The House accordingly resolved itself into the said Committee.

Mr. Simpson took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

(203)

And Mr. Simpson reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and is as followeth:--

Resolved, As the opinion of this Committee, that the Sessional allowance for the present Session to Members, be the same as allowed them by the Act passed in the first Session of the present Parliament, and on the like conditions, that is to say:--to Members attending since the commencement of the Session and not absent, without leave, more than twenty days, sixty five pounds, Currency; and mileage at the rate of ten shillings per twenty miles, in coming to Parliament, and thence in returning home; and to Members elected during the present Session, at the rate of fifteen shillings per day, from the day of their attendance, and mileage as aforesaid.

Resolved, That the Rule and Practice in this case be dispensed with, and that the Question of Concurrence be now put upon the said Resolution.

And the said Resolution being again read, and the Question of Concurrence being put thereon, it was agreed to by the House.

Anatomy.

An Engrossed Bill to regulate and facilitate the study of Anatomy, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Simpson do carry the said Bill to the Legislative Council, and desire their concurrence.

Then on motion of Mr. Johnston, seconded by Mr. Williams, The House adjourned until to morrow, at ten o'clock, A. M.

FOOTNOTES - 6 DECEMBER 1843.

1. None of the newspapers consulted reported the debates of this day's sitting. The AURORE, 12 December 1843, contains a commentary on it in generalized terms, which deals primarily with the confusion in the Assembly engendered by the resignation of the Executive Council. The BRITISH COLONIST, 12 December 1843 reports that: "yesterday, with hardly a quorum about the House, and often not one in it, several bills were hurried through at a gallop."

THURSDAY, 7 DECEMBER 1843.

10 O'Clock A.M.

(203)

Petitions
read.

PURSUANT to the Order of the Day, the following
Petitions were read:--

Of George Ruthman, of the City of Quebec, Pork Seller and Sausage
Maker; praying for certain amendments to the Ordinance 17th Geo. III.
cap. 14, relating to Market Regulations.

Of the President and Members of the Literary and Historical Society
of Quebec; praying for an aid in support of the said Society.

Towns Incorporation
&c.

An Engrossed Bill to provide for the Incorpora-
tion of Townships, Towns, Counties, and Cities,
in Upper Canada, was read for the third time.

The Honourable Mr. Boulton moved, seconded by Mr. Price,

That the following engrossed Clause, marked A., be added to the said
Bill, by way of Ryder, and do make part thereof:

CLAUSE (A.)

"Provided always, and be it further enacted, that nothing herein con-
tained shall extend or be construed to extend to repeal, alter, or vary,
the jurisdiction, power, or authority, of the Mayor's Court of the city
of Toronto; but that the same shall subsist and continue to exercise the
same jurisdiction, power, and authority that the said Court could, might,
and would, have done, had this Act not been passed, any Law to the contrary
in any wise notwithstanding."

The said Clause being thrice read, and the question being put thereon,
it was agreed to by the House.

Mr. Henry Smith moved, seconded by Mr. Thompson, that the following
engrossed Clause marked (B), be added to the said Bill by way of Ryder,
and do make part thereof:

CLAUSE (B.)

"Provided always, that each and every new Township, formed by any
Act passed during the present Session, shall, for the purposes of this
Act, be deemed to be a Township, in which a Township meeting shall have
been held before the passing thereof; and the District Councillor for
the Township out of which the greater part of such new Township shall
be formed, or in case of his refusal or neglect, the District Council-
lor for the Township out of which the lesser part of such new township
shall be formed, shall, for the purposes of this Act, be deemed to
be the District Councillor for such new Township, and the persons en-
titled to vote or be elected at such Election, shall be those whose
names are upon the Assessment Rolls or Rolls of the Township or Town-
ships from which such new Township shall be formed, and shall continue

at the time of the Election to be resident in such new Township; and the Collector or Collectors of the Township or Townships out of which such new Township shall be formed, shall furnish the Returning Officer thereof with a fair copy of that part of the Collector's Roll of their Townships, respectively, which relates to persons resident within such new Township."

The said clause being thrice read, and the Question being put thereon, it was agreed to by the House.

Mr. Thompson moved, seconded by Mr. Henry Smith, that the following engrossed Clause marked (C), be added to the said Bill, by way of Ryder, and do make part thereof.

CLAUSE (C.)

"And be it enacted that all Acts or parts of Acts, or provisions of Law in force in Upper Canada, immediately before the time when this Act shall come into force, which shall be inconsistent with or contradictory to this Act, or which make any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall be and they are hereby repealed, and shall cease to be in force upon, from, and after, the day when this Act shall come into effect."

The said Clause being thrice read, and the Question being put thereon, it was agreed to by the House.

The Honourable Mr. Hincks moved, seconded by the Honourable Mr. Boulton, that the following engrossed Clause, marked (D), be added to the said Bill, by way of Ryder, and do make part thereof:

CLAUSE (D.)

"Provided always, and be it enacted, that no provision in the foregoing enactments of this Act, which requires that any person be possessed of any property qualification, or be assessed for any particular amount, in order to his being elected, or serving as a Councillor in any Township Council, or as Assessor, or as Councillor or Assessor for any Town not divided into Wards, shall have any force or effect, unless or until some Act be passed by the Parliament of this Province, in the present or some future Session thereof, to provide for the regulation of Assessments and the levying and collecting of local taxes in Upper Canada, and to repeal the Acts heretofore in force for that purpose."

The said Clause being thrice read, and the Question being put thereon, it was agreed to by the House.

Mr. Boswell moved, seconded by the Honourable Mr. Boulton, that the Bill do pass, and the Title be, "An Act to provide for the incorporation
(204)

of Townships, Towns, Counties, and Cities, in Upper Canada."

The Question having been put upon the said motion, a division ensued, and the names being called for, they were as followeth:--

YEAS.

Messieurs AYLWIN, BALDWIN, BARTHE, BOSWELL, BOULTON, BEAUBIEN,

CAMERON, CHESLEY, CHRISTIE, DUNN, DURAND, FOSTER, GILCHRIST, HALE, HINCKS, LAFONTAINE, D. McDONALD, J. S. MACDONALD, MORIN, PARKE, POWELL, PRICE, ROBLIN, SIMPSON, STEELE, TACHE, THOMPSON, THORBURN, D. B. VIGER, L. M. VIGER, and WILLIAMS.--(31.)

NAYS.

Messieurs CARTWRIGHT, FORBES, JOHNSTON, MCLEAN, MURNEY, GEORGE SHERWOOD, and STEWART.--(7.)

So it was carried in the affirmative and

Resolved, accordingly.

Ordered, That Mr. Boswell do carry the said Bill, to the Legislative Council, and desire their concurrence.

Kingston Mineral Wells Company.

Mr. Cartwright from the Select Committee, to which was referred the Bill, to incorporate the Kingston Mineral Wells Company, reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read, at the Clerk's table.

Resolved, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Barthe took the Chair of the Committee, and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Barthe reported that the Committee had gone through the Bill, and had made several amendments thereto, which amendments were again read at the Clerk's table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Transfer of Lands by Bishop of Montreal.

On motion of Mr. Hale, seconded by Mr. Williams, Ordered, That the amendments made by the Legislative Council to the Bill, intituled, "An Act to confer certain powers on the Bishop of Montreal, in the transfer of certain Lands," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth:--

Press 2. Line 2.--After "Act" insert "or by any other Act or Acts, or by any other authority whatsoever."

Ibid. Line 6.--After "Quebec" insert "and all Acts whatsoever on the part of the said Bishop of Montréal, executed in his official capacity of Bishop, as aforesaid, shall be valid and effectual, in as full and ample a manner as if he were Bishop of Quebec aforesaid."

And the said amendments being again read, they were agreed to by the House.

Ordered, That Mr. Hale do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Resignation of
Executive
Council.

The Order of the day being read, for taking into consideration, a motion made yesterday, by the Honourable Mr. Boulton, viz:--"That an humble Address be presented to His Excellency the Governor General, expressing the deep anxiety of this House at the delay which has taken place in the formation of a new Administration, since the resignation of the late Advisers of His Excellency, the Governor General, communicated to this House on the twenty-seventh day of November last. That His Excellency having fully concurred in the Resolutions of this House, of the 3rd September, 1841, whereby it is, amongst other things, declared that, in order 'to preserve between the different Branches of the Provincial Parliament, that harmony which is essential to the peace, welfare and good Government of the Province, the Chief Advisers of the Representative of the Sovereign constituting a Provincial Administration under him, ought to be men possessed of the confidence of the Representatives of the People,' and that 'the management of our local affairs can only be conducted by the Head of the Executive Government, by and with the assistance, counsel, and information of such Provincial Administration.' That in full reliance upon the oft expressed intentions of His Excellency to carry on the Government upon these sound constitutional principles, so clearly enunciated by this House, and concurred in by His Excellency; this House, with an earnest desire not to offer any unnecessary obstruction to the progress of Public affairs, during a period which might reasonably have been regarded as sufficient for the formation of a new Administration, has consented to the passing of several important measures eagerly looked for by the People of this Province, in the absence of any one representing the Government within the walls of Parliament. But feeling the increasing difficulties which every day's experience has warned us of in thus proceeding, under a suspension of those principles to which the People of this great Country look, for the maintenance and preservation of their Rights and Liberties, this House has come to the determination, humbly to tender to His Excellency their advice, that His Excellency will be graciously pleased to take such measures, as are best calculated for the formation of a strong and efficient administration, and thus 'affording a guarantee, that the well understood wishes of the People, which our Gracious Sovereign has declared shall be the rule of the Provincial Government, will on all occasions be faithfully represented and advocated.' "

The House proceeded accordingly to take the said motion into consideration.¹

M. BOULTON démontra ... l'inconvénient qu'il y avait pour l'assemblée à procéder en l'absence d'un ministère. La chambre avait eu tort, suivant lui, de continuer ainsi depuis dix jours. Il devrait au moins

s'y trouver quelqu'un pour l'informer des mesures que Son Excellence se proposait d'adopter.²

M ((D. B.)) VIGER ... a dit qu'il était opposé à ce procédé, qui lui paraissait incorrect. Ce n'était pas bien agir envers Son Excellence³. ((He)) said that upon his own responsibility, he, as a member of the House, had had an interview with his Excellency, and he stated that he intended to form an administration as soon as possible, - that the sole reason he did not prorogue the House was, that he wished that those measures that were for the benefit of the country might be matured.⁴

M. LAFONTAINE - L'hon. monsieur (M. Viger) lorsqu'il parle des intentions de Son Excellence donne-t-il à entendre qu'il a été autorisé par Son Excellence à prendre cette position ou en d'autres mots, parle-t-il ses sentiments sur ce qu'elle doit faire?⁵

M. VIGER fit entendre qu'en effet il était autorisé à parler ainsi.⁶

MR. PRICE gave the House to understand that he had said, that business ought not to go on until a government was formed.⁷

MR. BOSWELL remarked that he was in error, that he had acted the converse.⁸

MR. BALDWIN contended that whatever might have been expressed by other members, he had opposed the progress of business as soon as the power of the late administration had ceased, until another should be formed.⁹ ((He made some remarks)) on the hardship of keeping himself and his colleagues in the discharge of the duties of their respective offices longer than is absolutely necessary.¹⁰

MR. VIGER exclaimed ..., "You wont (sic) have to complain of that long."¹¹

(204)

*And the said motion being read,
On motion of the Honourable Mr. Boulton, seconded by Mr. Christie,
Ordered, That the said proposed Address (p. 198) be corrected, as follows:--To strike out, in the seventh line, the words "twenty-seventh day of November last," and insert "first instant." To strike out the word "that," in the twenty-second line, and insert the words "this House." To strike out the words "consented to the passing of," in the thirty-first line, and insert "passed." And before the word "Government," in the thirty-fourth line, to insert "to represent the views of." And to strike out "a suspension," in the thirty-seventh line, and insert "suspended operation."*

Mr. Cartwright moved, in amendment to the main motion, seconded by Mr. McLean, that all the words after "That," in the said motion, be

struck out and the following substituted, "this House will be, as it ever ought to be, anxiously attentive to the inclinations and interests of their Constituents, and that they will proceed to the proper completion and termination of those important measures which are calculated to promote the welfare of the Country, in order that the just wishes and expectations of the People may not be disappointed."

(205)

"That if the endeavour to perfect and mature those important measures now before Parliament, which are calculated to promote the welfare of the Province should be defeated, the responsibility will rest with those who may be the cause of exciting a contest between this House and Her Majesty's Representative, which can end in nothing but injury to our Constituents, and the destruction of the peace and tranquillity of the Province."

The Question having been put upon the said motion of amendment, a division ensued, and it passed in the Negative.

Mr. Wakefield then moved, in amendment to the main motion, seconded by Mr. Chesley, that all the words after "That," in the said motion, be struck out, and the following substituted, "it is inexpedient to present an Address to the Governor General, calling upon His Excellency to form a Provincial Administration; because the Governor General's recent and most emphatic declarations in favor of Responsible Government, according to the Resolutions passed by this House, on the third of September, 1841, leave no reason to doubt that His Excellency is at present engaged in forming an Administration; because this House, by calling upon the Governor General to take a course which there is every ground for believing that His Excellency has spontaneously contemplated, and is now taking, would seem to display towards the Head of the Government a spirit of exaction, calculated to retard the accomplishment of the object in view, and to aggravate the present difficulties of the Country."

MR. WAKEFIELD took an opportunity of charging Mr. Price, and other members of the House with not understanding as he thought, the practical working of Responsible Government.¹²

MR. PRICE. - I should not now trespass upon the patience of the House, were it not for the attack which the hon. and learned member for Beauharnois has thought fit to make upon me. The hon. and learned member accuses me of having deserted my principles, in having advised the House to proceed with the business of the Country whilst there is no Administration in existence. Now, Sir, I do not recollect having stated that I was prepared to proceed with the measures of the House in the present state of the Government, and I am inclined to think the hon. member has altogether misunderstood me, for I have repeatedly, and to every member with whom I have spoken on the subject, distinctly stated that I thought no business should be done until an Administration had been formed, - only two days back in my place in Parliament I protested against my hon.

friend, the member for Oxford, proceeding with a Bill which he was anxious should be passed, on the ground that the House could not proceed constitutionally with the business of the Country without an Administration. I have more than once protested against the House passing any Bill whatever, but have yielded to the oft expressed wishes of very many hon. friends, and passively allowed the business of the country to proceed. But, Sir, if I had forgotten in that one instance to adhere strictly to Responsible Government, it was from a desire that the just expectations of the people should not be disappointed in the great and important measures they were looking for. I am not insensible to the real secret of this attack upon me. Had the House (as I contend it ought to have done) adjourned, until an Administration had been formed, the hon. and learned member and his Tory allies would have agitated the Country upon such a course, and have accused me and my friends with retarding the business of the country factiously, - we saw the plot and avoided it. But, Sir, if to serve the country I have agreed to progress with the great measures before us, I would like to ask the secret adviser of His Excellency, how is it that he has so strangely led him astray as so miserably to misconceive the doctrines of Responsible Government, as defined by our Resolutions of the 3rd September, 1841. By the Message in answer to our Address His Excellency is led to state that those Resolutions constitute the guide by which, the Administration of the Government of this Province has since been, and is to be conducted. Now, Sir, has not His Excellency's conduct clearly and conclusively denied this doctrine in its application. Are we not without an Administration, and has there been since the resignation of the Ministry any attempt whatever made to form a new Administration? Every hon. member must admit that no attempt has been made. It is too well known in this House that no Ministry can be formed commanding a majority, unless the old Administration is called back. This the Governor should do or dissolve the House, as it is the only constitutional course to be taken in the present difficulty. It is said on good authority that his Excellency has strong prejudices against some of the leading members of the late Executive, and that unless these men, that is Baldwin and Lafontaine, are sacrificed, he will never consent to take back his Executive. This prejudice has been effected by spies without character, stake or influence in the country. The same back stairs influence which has thus been exerted to destroy the late advisers, was used to trip up the Melbourne Administration in England. His Majesty William the Fourth, had his mind poisoned against some members of his Cabinet, by a host of those despicable Court sycophants, and he in an evil hour unceremoniously dismissed the whole of his Cabinet. The House of Commons sustained the Ministry and after the lapse of a few weeks, during which every attempt to form a new Administration failed, the King forgetting his prejudices yielded to the wishes of the Commons, and took back that Ministry which he had dismissed; giving to the country the strongest (sic) evidence of his magnanimity and forbearance, as well as his regard to the constitutional rights of the Commons. He forgot, he buried his petty jealousies, and his petty prejudices for the

good of that country over which he reigned. If the Monarch of the greatest nation on earth could act so wisely, and set so bright an example, why should the Representative of the Sovereign in his Province, doggedly and weakly refuse to act in the same constitutional and magnanimous manner. The reason is, that he is surrounded by a set of ignorant, needy, cunning and unconstitutional advisers, who will sacrifice their master to their own selfish will. If, however, the head of the Government is advised not to take back his late Executive but that he can form a new Executive out of the minority, - I can assure the House that the country will never submit to be ruled by that minority. It is clear to me that His Excellency has been advised to form an Administration from a party without political character; dissolve the House with the Government in the hands of that minority, and with the whole strength of the Government in the hands of the people's enemies. If such is the policy, I can say without fear, that His Excellency is unwise, unjust, and will be miserably disappointed in the result of the Elections; for a large majority of members will be returned to sustain the late Administration. I am prepared to meet my Constituents, and to tell them that I was desirous of stopping all business rather than sacrifice their unalienable rights as British freemen, but that I had passively, and not actively allowed the important measures brought forward by the late Ministry to be completed.¹³

((There followed)) a good deal of wrangling and discussion.¹⁴

(205)

The Question having been put upon the said motion of amendment, the House divided thereon, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs CARTWRIGHT, CHESLEY, FOSTER, HALE, JOHNSTON, MCLEAN, MURNEY, HENRY SMITH, GEORGE SHERWOOD, D. B. VIGER, WAKEFIELD and WOODS.--(12.)

NAYS.

Messieurs AYLWIN, BALDWIN, BARTHE, BOSWELL, BEAUBIEN, CAMERON, DUNN, DURAND, GILCHRIST, HARRISON, HINCKS, HOPKINS, LAFONTAINE, D. McDONALD, MERRITT, MOORE, MORIN, MORRIS, PARKE, POWELL, PRICE, ROBLIN, SMALL, HARMANNUS SMITH, STEELE, TACHE, THORBURN, TURCOTE, and L. M. VIGER.--(29.)

So it passed in the negative.

Mr. Morris then moved, in amendment to the main motion, seconded by Mr. Chesley, that all the words after "That" in the said motion, be struck out, and the following substituted, "this House in full reliance upon the oft expressed intentions of His Excellency, the Governor General,

to carry on the Government upon the sound constitutional principles so clearly enunciated by this House, in the Resolutions of the third September, 1841, have, with a strong desire to pass several important measures, which are anxiously looked for by the People of this Province, been induced to proceed for the last ten days with the business of the Country in the absence of a Provincial Administration, representing the Government within the walls of Parliament".

The Question having been put upon the said motion of amendment, it was agreed to unanimously.

The Question being then put on the main motion, as amended, it was also agreed to, and
Resolved, accordingly.

Assessment in
Townships
&c.

Mr. Thompson moved, seconded by Mr. Hamilton, that the Order of the day for the House in Committee on the Bill, to establish a more equal and just system of Assessment, in the several Townships, Towns, and Cities, in Upper Canada, lost by the adjournment of the House, of the twenty seventh of November last, be revived, and that this House do now resolve itself into the said Committee.

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down as followeth:--

YEAS.

Messieurs HINCKS, J. S. MACDONALD, PARKE, HARMANNUS SMITH, STEELE, and THOMPSON.--(6.)

NAYS.

Messieurs AYLWIN, BALDWIN, CAMERON, CHESLEY, CHRISTIE, DURAND, FORBES, HALE, HAMILTON, HOPKINS, JOHNSTON, LAFONTAINE, D. MCDONALD, MCLEAN, MORRIS, MURNEY, POWELL, PRICE, ROBLIN, SIMPSON, SMALL, HENRY SMITH, GEORGE SHERWOOD, STEWART, TACHE, and L. M. VIGER,--(26.)

So it passed in the negative.

Contingencies.

Mr. Durand from the Committee of the whole House, on the Sixth Report of the Standing Committee of Contingencies, reported according to order, the Resolutions of the said Committee, which Resolutions were again read, at the Clerk's table, and agreed to by the House, and are as followeth:--

1. Resolved, That there be allowed to the Serjeant at Arms attending this House, the sum of one hundred pounds, currency, in addition to his salary, for the present and past year.
2. Resolved, That there be allowed to the Clerk Assistant of this House, the sum of one hundred and twenty pounds, currency, in addition to his salary, for the present and past year.
3. Resolved, That there be allowed to Doorkeeper of this House, the sum of forty pounds, in addition to his salary, for the present and past year.

Adjournment.

Then on motion of the Honourable Mr. Solicitor General Aylwin, seconded by the Honourable Mr. Solicitor General Small,

The House adjourned until seven o'clock, P. M., this day.

7 O'Clock P. M.

Civil List.

Mr. Christie, accompanied by the other messengers, reported to the House that their Addresses, of yesterday, to Her Majesty, on the subject of the Civil List, and to His Excellency the Governor General, praying His Excellency will be pleased to cause the said Address to Her Majesty to be laid at the foot of the Throne, had been presented to His Excellency; and that he was pleased to say he will send an answer by Message.

Rob't F. Gourlay.

Mr. Thorburn, accompanied by the other Messengers, reported to the House, that their Address of the fifth Instant, to His Excellency, the Governor General, relating to Robert Fleming Gourlay, had been presented to His Excellency, and that he was pleased to say, that the wishes of the House will be complied with.

Message from Leg. Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,Quebec and Montreal Police.

The Legislative Council have passed the Bill, intituled, "An Act to alter and amend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled, "An Ordinance for establishing an efficient system of Police in the Cities of Quebec and Montreal," without any amendment.

And also,

(206)

Transfer of Stock by Midland District and Niagara Banks.

The Legislative Council have passed the Bill, intituled, "An Act to authorize the Commercial Bank of the Midland District, and the Bank of the Niagara District, to open books for the transfer of their stock in the City of London, and to set aside certain portions of their stock for that purpose," with several amendments, to which they desire the concurrence of the Assembly.

And then he withdrew.

Upper Canada Loan and Trust Company.

An Engrossed Bill for incorporating and granting certain powers to the Upper Canada Trust and Loan Company, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartwright do carry the said Bill to the Legislative Council, and desire their concurrence.

Message from
His Excellency,
the Governor
General.

Rawson W. Rawson, Esquire, Chief Secretary to His Excellency, the Governor General, was admitted within the Bar, and delivered to Mr. Speaker, four Messages from His Excellency, the Governor General, signed by His Excellency,

And then he withdrew.

And the said Messages were read by Mr. Speaker, all the members of the House being uncovered, and are as followeth:--

C. T. Metcalfe.

Church Societies
in Quebec and
Toronto.

The Governor General, in compliance with the Address of the House of Assembly, of the second Instant, will transmit without delay to the Secretary of State a Bill, which has been passed by the Legislature during the present Session intituled, "An Act to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto," in order that if the same come within the scope of the forty second section of the Act of Union, it may be duly laid before Parliament previous to the signification of Her Majesty's assent thereto.

Government House,
5th December, 1843.

C. T. Metcalfe.

Speaker's
Salary.

The Governor General recommends to the consideration of the House of Assembly, the expediency of remunerating the Speaker of the Honourable the Legislative Council, by an annual salary, for the arduous and important Duties attached to his high office.

Government House,
7th December, 1843.

C. T. Metcalfe.

Supplies.

The Governor General thanks the House of Assembly for the supplies voted in their Resolutions

of the fourth instant, to meet the necessary expenses of the Government of this Province, to the thirty-first March, 1844; and, in the event of no Bill being passed during the present Session to make good the same, he will, in compliance with the wish expressed in the Address of the same date, make the necessary advances for that purpose, observing in all expenditures the strictest economy, consistent with the efficiency of the public service.

Government House,
7th December, 1843.

C. T. Metcalfe.

Acts and
Ordinances.

The Governor General transmits, for the information of the House of Assembly, the first and second Report of the Commissioners for revising the Acts and Ordinances of Lower Canada.

Government House,
Kingston, 7th December, 1843.

(For the Reports referred to in the last preceding Message, see Appendix O. O.)

Transfer of
Stock by Mid-
land District and
Niagara Banks.

On motion of Mr. Morris, seconded by Mr. Cartwright,

Ordered, That the amendments made by the Legislative Council to the Bill, intituled,

"An Act to authorize the Commercial Bank of the Midland District, and the Bank of the Niagara District to open Books for the transfer of their Stock in the City of London, and to set aside certain portions of their Stock for that purpose," be now taken into consideration.

The House proceeded accordingly to take the said amendments into consideration.

And the said amendments were read, and are as followeth:--

Press 1. Line 19.--After the word "District" insert "and for the Bank of Upper Canada."

Ibid. same Line.--Leave out "Corporation" and insert "Corporations respectively."

Ibid. Line 21.--Leave out "thereof" and insert "each of the said Banks."

Ibid. Line 23.--Leave out "Bank" and insert "Banks respectively."

Ibid. Line 32.--Leave out "such Bank" and insert "each of the said Banks respectively."

Ibid. Lines 35&36.--Leave out "office of such Bank" and insert "in the respective offices of such Bank."

Ibid. Line 38.--After "Bank" insert "of the shares or stock of which any such transfer shall be made."

Press 2. Line 3.--After "Stock" insert "or of an Act passed in the sixth year of Her Majesty's Reign, intituled, "An Act to extend the Charter of the Bank of Upper Canada, and to increase the Capital Stock thereof."

Preamble. Line 1.--After "the" insert "President, Directors, and Company of the."

Ibid. Line 2.--After "Midland District" insert "the Bank of Upper Canada."

Ibid. same Line.--After "and the" insert "President, Directors, and Company of the."

Title. After the word "authorize" leave out the remainder of the Title, and insert "the several Banks therein mentioned to open Books for the transfer of certain portions of their Stock in the City of London."

And the said amendments being again read, they were agreed to by the House.

Ordered, That Mr. Morris do carry back the said Bill to the Legislative Council, and acquaint their Honours that this House hath agreed to their amendments.

Salary to
Speaker of
Leg. Council.

Mr. Hale moved, seconded by Mr. J. S. Macdonald, that the Message of His Excellency, the Governor General, of this day, recommending to the consideration of the Legislative Assembly, the expediency of remunerating the Speaker of the Legislative Council, by an annual Salary, be now committed to a Committee of the whole House.¹⁵

MR. HALE ... said that out of respect to the Head of the Government, he had brought the matter before the house; that it was no new measure, but in accordance with the resolutions adopted during the first session.¹⁶

MR. SMALL objected to the motion - he thought that such a course was wholly opposed to the principles of Responsible Government, on which the House was pledged to act.¹⁷

MR. DURAND opposed taking any action in the matter, in the present state of affairs, it being inconsistent with the principles of responsible government.¹⁸

MR. BALDWIN said he fully agreed with the views of the last speaker, but as they had voted the supplies he thought it would be inconsistent not to vote an allowance to the Honorable Speaker of the other branch of the Legislature; he hoped, therefore, that the House would entertain the motion.¹⁹

MR. HARRISON also spoke in favor of the motion²⁰.

(207)

Salary to
Speaker of
Leg. Council.

The Question having been put upon the said motion a division ensued, and the names being called for, they were taken down, as followeth:--

YEAS.

Messieurs BALDWIN, BOSWELL, BOULTON, BEAUBIEN, CARTWRIGHT, CHESLEY, DUNN, FORBES, GILCHRIST, HALE, HARRISON, HOPKINS, LAFONTAINE, D. MCDONALD, J. S. MACDONALD, MCLEAN, MORRIS, PARKE, POWELL, SIMPSON, HARMANNUS SMITH, GEORGE SHERWOOD, STEELE, TACHE, THORBURN, TURCOTTE, D. B. VIGER, L. M. VIGER, WILLIAMS, and WOODS.--(30.)

NAYS.

Messieurs AYLWIN, BARTHE, CHRISTIE, DURAND, JOHNSTON, MERRITT, MORIN, ROBLIN, and SMALL.--(9.)

So it was carried in the affirmative.

The House accordingly resolved itself into the said Committee.

Mr. Johnston took the Chair of the Committee,

MR. HALE moved that in compliance with His Excellency's Message, the Committee should make an appropriation for the Speaker of the Legislative Council. He thought it was only respectful to the Head of the Government to take this step, and that was the motive which induced him to do so. It was from no feelings of opposition to the late Ministry, for he sincerely believed that the Treasury Benches would not be permanently occupied by any person until they had returned to them.²¹

MR. SMALL stated that he was not opposed to the remuneration of the Speaker of the Legislative Council - but it appeared that the distinguished individual at the head of the Government was of opinion that the Government could be carried on without an Executive Council responsible to that House, which, in his (Mr. S.'s) opinion, was directly contrary to the unanimous opinion of that House; and this was the ground of his opposition to the motion.²²

MR. LAFONTAINE thought that as they had voted the supplies, it would be inconsistent not to vote the remuneration in question. He was well pleased that the supplies had been voted, and he hoped the motion before them would also prevail. Although it was his determination to support the motion, he entertained precisely the same views on the subject as Mr. Small; and he thought the House had been stultifying itself by the course which it had pursued, in going on with the business under present circumstances. They had been told that His Excellency could not form an Administration in that House possessing the confidence of the country - this he denied - and he would ask what would be the consequences, if, from private pique the distinguished individual at the Head of the

Government should refuse to take into His Council men possessing the confidence of the country. Would even the Sovereign of England be supported in such a course. Had it not been recently shewn that in compliance with the voice of the country, that Sovereign had dismissed men from office most reluctantly, on account of private confidence and esteem clashing with public interests; and had taken men into Her counsels who did not so fully possess Her confidence. It appeared that the majority in that House was too strong - that it could fully carry out the principles announced in the Resolutions of 3d Sept. 1841, and it was therefore necessary to thwart its free working. He (Mr. L.) had no objections to return to the old system; but having taken office on the principles of Responsible Government, he had felt it to be his duty fairly to carry out that principle. If they returned to the old system - and he thought they were going backward very fast - the Union would not last long.²³

After some further conversation the sum of £250 was voted to Mr. Caron for his services as Speaker of the Upper House, for the present Session.²⁴

MR. SIMPSON ((asked a question)) relative to the appointment of Mr. Caron.²⁵

MR. LAFONTAINE stated that it had always been his opinion that the Speakership of the Legislative Council should be a political office - that the individual filling that office should be a member of the Executive Council, and go in and out with the Administration. Mr. Simpson, it appeared was anxious to know whether Mr. Caron's appointment had been approved of by the late Council - he (Mr. Lafontaine) would now explain the circumstances connected with that appointment, as the same question had been put before. They were these - when the Ministry understood that the late Speaker of that Hon. House had tendered his resignation to the Head of the Government, he (Mr. L.) was deputed by his colleagues to wait upon His Excellency and suggest the names of several individuals whom they deemed eligible for the office - and that the Honbles. Messrs. McGill and Caron were among the number. Shortly after this interview the Council were informed that the Speakership had been offered to the Honble. Mr. Sherwood - to this the Council could have no objections on personal grounds; but when they took into consideration the fact that that Hon. Gentleman and thirteen of his colleagues had retired from the Legislative Council for the purpose of defeating the Ministry - such an appointment by His Excellency would have condemned them in the eyes of the country. It had been asserted that the late Executive Council were opposed to the appointment of Mr. Caron, and he thought this explanation would put the matter in its proper light. It was true that he first heard of Mr. C.'s appointment from His Excellency, but his colleagues had first learned the fact from other sources.²⁶

MR. HARRISON also considered that the appointment ought to be a political one. He would vote for a sessional allowance at the rate of £1000 per annum, from the time that the appointment was accepted by the present speaker.²⁷

MR. HINCKS rose and stated that the Hon. and Gallant Knight, the Member for the Town of Hamilton, had stated in his place the other evening, that it was the desire of the late Executive Council to appoint their President (Mr. Sullivan) to the Chair of the Legislative Council. In answer to that statement he desired to explain that the late Administration recommended Mr. Sullivan's appointment merely as a temporary one, for the remainder of the Session, at a time when the business of the House was at a stand for want of a Speaker, and that it was not intended that he should receive any emolument for the service.²⁸

MR. D. B. VIGER here rose and objected to these explanations being given without the permission of the Governor General. He said there were no precedents for such a course of proceeding.²⁹

MR. HINCKS replied that if the Hon. and Ven. Member who had last spoken could find a single precedent where a member of the opposition rose and stated facts which should be known only to the Head of the Government, and His sworn advisers, he would acknowledge his error.³⁰

Some further conversation ensued about minor matters.³¹

MR. CHRISTIE said that he intended, at a future period, to move for a reduction of the expense connected with the legislature generally, from the speaker downwards, it being much too heavy for the country to bear. The hon. member then moved an amendment, substituting for an annual salary, a sessional allowance of £250 for the present Speaker.³²

(207)

and after some time spent therein,

Mr. Speaker resumed the Chair,

And Mr. Johnston reported that the Committee had come to a Resolution, which Resolution was again read at the Clerk's table, and is as followeth:

Resolved, As the opinion of this Committee, that it is expedient that the present Speaker of the Legislative Council should be remunerated for his arduous and important duties, by a Sessional allowance of two hundred and fifty pounds, Currency, for the present Session only.
Resolved, That the Rule and Practice in this case be dispensed with, and that the Question of concurrence be now put upon the said Resolution.
 And the said Resolution being again read, and the Question of Concurrence being put thereon, it was agreed to by the House.

Resolved, That an humble Address be presented to His Excellency, the Governor General, to thank His Excellency for His Message of this

day, in relation to a pecuniary allowance, to the present Speaker of the Legislative Council, to acquaint His Excellency with the Resolution passed by this House, and to pray that His Excellency will direct that a Warrant do issue in favor of the Speaker of the Legislative Council, for the sum of Two hundred and fifty pounds, Currency, pursuant to the said Resolution.

Ordered, That Mr. Christie, Mr. Hale, Mr. Simpson, and the Honourable Mr. Viger, do present the said Address to His Excellency, the Governor General.

Adjournment.

Then on motion of the Honorable Mr. Viger,
seconded by Mr. Boswell,

The House adjourned until Saturday next at ten o'clock, A. M.

APPENDIX, 7 DECEMBER 1843.

((WITHDRAWN MOTION RE: LIMITING THE NUMBER AND SALARIES OF
PUBLIC OFFICERS.))

M. BOULTON a demandé la permission de présenter un bill pour limiter le nombre des officiers publics dans la province et le salaire attaché à leurs places.³³

Quelqu'un des hon. membres ayant fait remarquer que la chambre ayant décidée cette question par l'approbation du message du gouvernement à ce sujet, on ne pouvait plus y re((ve))nir.³⁴

M. BOULTON a retiré sa motion.³⁵

FOOTNOTES - 7 DECEMBER 1843.

1. This debate was reported in: LE CANADIEN, 15 December 1843; in identical reports in the BRITISH COLONIST, 12 December 1843, and the MONTREAL GAZETTE, 12 December 1843; the KINGSTON CHRONICLE, 9 December 1843; LE JOURNAL DE QUEBEC, 12 December 1843; and the MONTREAL TRANSCRIPT, 12 December 1843.
2. LE CANADIEN, 15 December 1843.
3. LE JOURNAL DE QUEBEC, 12 December 1843.
4. BRITISH COLONIST, 12 December 1843.
5. LE JOURNAL DE QUEBEC, 12 December 1843.
6. IBID.
7. BRITISH COLONIST, 12 December 1843.
8. IBID.
9. IBID.
10. MONTREAL TRANSCRIPT, 12 December 1843.
11. IBID.
12. KINGSTON CHRONICLE, 9 December 1843.
13. IBID.
14. MONTREAL TRANSCRIPT, 12 December 1843.
15. This debate was reported by: LE JOURNAL DE QUEBEC, 12 December 1843; in identical reports in the BRITISH COLONIST, 12 December 1843, and the MONTREAL GAZETTE, 12 December 1843; the KINGSTON CHRONICLE, 9 December 1843; LE CANADIEN, 15 December 1843, which translated the KINGSTON CHRONICLE, 9 December 1843; and the MONTREAL TRANSCRIPT, 12 December 1843.
16. BRITISH COLONIST, 12 December 1843.
17. KINGSTON CHRONICLE, 9 December 1843.
18. BRITISH COLONIST, 12 December 1843.
19. KINGSTON CHRONICLE, 9 December 1843.
20. IBID.
21. IBID.
22. IBID.
23. IBID.
24. IBID.
25. IBID.
26. IBID.
27. BRITISH COLONIST, 9 December 1843.
28. KINGSTON CHRONICLE, 12 December 1843.
29. IBID.
30. IBID.
31. IBID.
32. BRITISH COLONIST, 12 December 1843.
33. LE JOURNAL DE QUEBEC, 12 December 1843.
34. IBID.
35. IBID.

SATURDAY, 9 DECEMBER 1843.

10 O'Clock A.M.

(207)

8 Petitions
brought up.

THE following Petitions were severally brought up and laid on the table:

By Mr. Prince--The Petition of William Austerberry, of Dunnville, in the District of Niagara.

By Mr. Cameron--The Petition of John Cawston, and others, Inhabitants of the Township of Ellice, in the District of Huron;--The Petition of W. F. McCulloch and others; Inhabitants of the Township of North Easthope, in the District of Huron;--the Petition of George Morris and others, Inhabitants of the Township of Stanley, in the District of Huron;--The Petition of George Williams and others, Inhabitants of the Township of Blanchard, in the District of Huron;--The Petition of John C.W. Daley and others, Inhabitants of the Township of Downie, in the District of Huron;--the Petition of George Watson and others, Inhabitants of the Township of South Easthope, in the District of Huron.

By the Honourable Mr. Attorney General Baldwin--The Petition of Adam Kerr and Company, Soap and Candle Manufacturers, in the town of Dundas, in the District of Gore.

Message from His
Excellency, the
Governor General.

Rawson W. Rawson, Esquire, Chief Secretary to His Excellency, the Governor General, was admitted within the Bar, and delivered to Mr. Speaker a Message from His Excellency, the Governor General,

signed by His Excellency.

And then he withdrew.

And the said Message was read by the Speaker, all the Members of the House being uncovered; and is as followeth:--

C. T. Metcalfe.

Civil List.

The Governor General informs the Legislative Assembly, with reference to their Address of the 6th instant, that he will transmit their Address of the same date to Her Majesty's Secretary of State, to be laid at the foot of the Throne. It is his duty at the same time to state, that he is not enabled to make any declaration which should have the effect of fettering the discretion of Her Majesty's Ministers, as to the view which may be taken of the subject by them, or by the Imperial Parliament, whose intervention is absolutely necessary to enable any alteration to be made in the existing Civil List, or in the authority by which it is granted.

Government House,
7th December, 1843.

Salary of
Speaker, Leg.
Council.

Mr. Hale, accompanied by the other Messengers, reported to the House that their Address, of the seventh instant, to His Excellency, the Governor General, on the subject of the Salary of the Speaker of the Legislative Council, had been presented to His Excellency, and that he was pleased to say, the same shall be fully attended to, according to the request of the House.

Kingston Mi-
neral Wells
Company.

An Engrossed Bill to incorporate the Kingston Mineral Wells Company, was read for the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Cartwright do carry the said Bill to the Legislative Council, and desire their concurrence.

Petitions read.

Pursuant to the Order of the Day, the following Petitions were read:--

Of Thomas Simard and other Pilots for and below the Harbour of Quebec; praying that no alteration be made in the present Tariff of Fees to Pilots.

Of T. A. Stayner, Esquire, and others, Officers of the Quebec, British and Canadian School Society; praying for the passing of an Act to incorporate the said Society.

Report on effect
of English Copy
Right Act.

Mr. Simpson, from the Select Committee appointed to inquire into the effect of the English Copy Right Act; the consequent exclusion of American Reprints; the policy of that exclusion,

(208)

as connected with the probable influence on the minds of the rising generation of the Province, presented to the House the Report of the said Committee, which was again read at the Clerk's table.

(For the said Report see Appendix P. P.)

Ordered, That the said Report be printed for the use of the Members of this House.

Decrease in
Revenue.

Mr. Simpson moved to resolve, seconded by Mr. Cartwright, that there is a decrease in the Revenue at the Ports of Quebec and Montreal, in the sum of ninety thousand pounds.

That in order to supply that deficiency, it has been deemed expedient to impose new and additional imposts on articles imported from the United States of America.

That on the Union of the Provinces, the debt, amounting to the sum of

£1,293,812 Currency, became the debt of the Province and interest thereon payable out of its Revenue.

That in the face of that decline in the Revenue, the necessity of those new and additional imposts, and the amount of that debt, it is unwise, dishonest, and unjust to invest large sums of money, borrowed on the credit and guaranty of the Parent State, in the construction of works of speculative advantage and doubtful remuneration.

That to enforce with premature haste, improvements however desirable, but uncertain in their result, by a pledge of the future resources of the Province, cannot but end in crippling its energies, and in the inflicting of lasting misery in the direct taxation of Her Majesty's Canadian Subjects.

That the welfare of the People is the first and most sacred trust reposed in its Representatives,--that new and burdensome impositions, uncalled for either for the safety of the State or the exigencies of the Government, become a cruel, criminal, and unjust violation of the sacred trust reposed in us by the People.

That when the Province appropriated these large sums for the improvement of the Navigation of the River St. Lawrence, the staple products of the United States were free of all imposts,--that the manufacture of some of these products made them Colonial, and admissible in the home markets as the produce of Canada,--that since then these staple products have become subject to heavy duties, both under the Imperial and Provincial Statutes, in so much as to affect, control, and check the great commercial intercourse formerly existing between the United States and this Province, as well as the trade contemplated in manufactured articles of American produce with Great Britain,--that these great alterations must tend to diminish the trade with the neighboring States, thereby lessening the prospective advantages derivable by tolls on that produce, to facilitate the transport of which that great expenditure was incurred.

That with impaired resources, additional necessary imposts, large Debt and probable decline in the imports from the Western States of America, it is, in the opinion of this House, wise, prudent and safe, not to proceed at present with the contemplated enlargement of the Lachine Canal, or the construction of the projected Canal between Dickenson's Landing and Prescott, but in preference, to apply the balance of the sums appropriated to those Improvements, to the reduction of the existing Debt of the Province, beginning by the redemption of Loans bearing the highest interest; and that if any Funds remain at the disposal of the Legislature, they shall be applied to the Improvement of Inland Communications to the River St. Lawrence.

Mr. Merritt moved, seconded by the Honourable Mr. Viger, the previous Question, *viz.*--

Shall the Question be now put?

The House divided thereon, and it passed in the negative.

Customs Bill.

Mr. Johnston moved, seconded by Mr. Wakefield, that the Clerk be directed to read from the

*Journals of this House, the order directing the Member for Oxford, to carry up to the Honourable the Legislative Council, the Bill to provide for the management of the Customs, and of matters relative to the collection of the Provincial Revenue, and desiring the concurrence of that Honourable Body thereto.*¹

MR. JOHNSTON and SIR ALLAN MACNAB commented strongly upon such a contempt of the authority of the House, alleging that the responsibility ought to rest upon him.²

MR. WAKEFIELD also remarked that it evidently was a display of party tactics, the late Government having determined to deprive as much as in their power, their successors from enjoying the patronage that it would have given them, hoping to return shortly to power, and desirous that it should be reserved for themselves.³

MR. DURAND said, that the Member for Oxford had obtained the consent of the House to be excused from this duty at the time that it was imposed upon him.⁴

MR. BALDWIN said that probably Mr. Wakefield expected to be one of the new Administration himself, which made him so anxious to secure the source of patronage.⁵

A little bantering on this occasion passed between MR. BALDWIN and SIR ALLAN MACNAB⁶.

((SIR ALLAN MACNAB remarked)) that the former gentleman smiled.⁷

MR. BALDWIN said, if there was anything in a smile, surely there must be something in the Member for Richelieu's shaking his head.⁸

SIR ALLAN ((MACNAB)) replied, that he had made the observation on account of the very current report that the Hon. member for Rimouski had not been seen to smile for the last fourteen days. He (Sir Allan) was, however, happy to see that he had brightened up and once more looked happy.⁹

(208)

The Question having been put upon the said motion, a division ensued, and the names being called for, they were taken down, as followeth:--

YEA.

Mr. JOHNSTON.

NAYS.

Messieurs AYLWIN, BALDWIN, BARTHE, BOSWELL, CAMERON, CARTWRIGHT,

CHRISTIE, DURAND, FOSTER, GILCHRIST, HALE, HARRISON, HINCKS, LAFONTAINE, SIR ALLAN N. MACNAB, D. MCDONALD, J.S. MACDONALD, MERRITT, MORIN, NOEL, PARKE, POWELL, PRINCE, SIMPSON, SMALL, GEORGE SHERWOOD, TURCOTTE, D.B. VIGER, L.M. VIGER, and WAKEFIELD--(30.)

So it passed in the negative.

Message from
Leg. Council.

A Message from the Legislative Council, by John Fennings Taylor, Esquire, one of the Masters in Chancery.

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:

Anatomy.

"An Act to regulate and facilitate the study of Anatomy."

Upper Canada Loan
& Trust Company.

"An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company."

Kingston Mineral
Wells Company.

"An Act to incorporate the Kingston Mineral Wells Company."

And then he withdrew.

Black Rod.

A Message from His Excellency, the Governor General, by Frederick Starr Jarvis, Esquire, Gentleman Usher of the Black Rod:

Mr. Speaker,

I am commanded by His Excellency, the Governor General, to acquaint this Honourable House, that it is the pleasure of His Excellency, that the Members thereof do forthwith attend him in the Legislative Council Chamber.

House attends His
Excellency. Royal
Assent to Bills.

Accordingly Mr. Speaker and the House went up to attend His Excellency, when His Excellency was pleased to give in Her Majesty's name the Royal Assent to the following Public and Private Bills:

An Act to repeal an Ordinance of Lower Canada, intitled "An Ordinance concerning Bankrupts and the administration and distribution of their Estates and Effects," and to make provision for the same object, throughout the Province of Canada.

An Act to abolish Imprisonment in Execution for Debt, and for other purposes therein mentioned.

An Act to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature.

An Act to facilitate the proof of the Laws of Upper and Lower Canada, and to declare protests of Notaries Public Evidence in certain cases in Upper Canada.

An Act to regulate and facilitate the study of Anatomy.

An Act to continue for a limited time the duties imposed on Agricultural Produce and Live Stock imported into this Province.

An Act further to provide for the establishment and maintenance of Common Schools, and for apportioning the fund for the support of the same,

(209)

and also to grant an indemnity for the payment of certain portions of the School moneys, for the year one thousand eight hundred and forty-two, and further to provide for the apportionment and distribution of the balance of the said moneys for the years one thousand eight hundred and forty-two, and one thousand eight hundred and forty-three.

An Act to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the Stock held by private persons in the Welland Canal.

An Act for vesting in the Principal Officers of Her Majesty's Ordnance the Estates and property therein described, for granting certain powers to the said Officers, and for other purposes therein mentioned.

An Act to restrain Party Processions in certain cases.

An Act to provide for the calling and orderly holding of Public Meetings in this Province, and for the better preservation of the public peace thereat.

An Act to exempt Public Officers from the expense of new Commissions on the demise of the Crown.

An Act to prohibit the hunting and killing of Deer and other Game within this Province at certain seasons of the year.

An Act for the better preservation of certain species of Fish in the Rivers and Waters of the Counties therein mentioned.

An Act to exempt Vehicles conveying Manure from the Cities and Towns of this Province, from the payment of Tolls on Turnpike Roads, and for other purposes therein mentioned.

An Act to provide for the summary trial of Small Causes in Lower Canada.

An Act to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the Administration of Justice in Lower Canada.

An Act for the establishment of a better Court of Appeals in Lower Canada.

An Act to establish the District of Gaspé, and to provide for the due Administration of Justice therein.

An Act to alter the terms of the General Sessions of the Peace in and for the District of St. Francis.

An Act to amend the Ordinance providing for the Registration of Titles to Real Property, or Incumbrances thereon, in Lower Canada; and further, to extend the time allowed by the said Ordinance for the Registration of certain claims.

An Act for taking the Census of the Inhabitants of Lower Canada, and for obtaining certain statistical information therein mentioned.

An Act to alter and mend certain provisions of the Ordinance of the Governor and Council of Lower Canada, of the second year of Her Majesty's Reign, intituled, "An Ordinance for establishing an efficient Police in the Cities of Quebec and Montreal."

An Act to detach Isle Bizarre from the Registration District of the

Lake of the Two Mountains, and to annex it to the Island and County of Montreal, for the purposes of Registration.

An Act to empower the Seigneurs of the Fiefs Nazareth, Saint Augustin, and Saint Joseph, in the City and County of Montreal, to commute the tenure of the Lands now held en censive in the said Fiefs respectively.

An Act to detach the Township of Chatham Gore, otherwise called the Gore of Chatham, from the County of Terrebonne, and to annex it to the County of the Two Mountains.

An Act for the establishment and maintenance of Common Schools in Upper Canada.

An Act to enable Courts of Law in that part of this Province called Upper Canada, to give relief against adverse claims made upon persons having an interest in the subject of such claims.

An Act to fix the period for holding the Courts of General Quarter Sessions of the Peace, in that part of the Province formerly Upper Canada.

An Act to render more summary the means of enforcing the returns of process by Sheriffs and Coroners in that part of this Province, called Upper Canada.

An Act to afford to persons having been Boundary Line Commissioners, a more easy and less expensive mode of recovering Costs still due on Judgments rendered in that capacity.

An Act to prevent obstructions in Rivers and Rivulets in Upper Canada.

An Act to explain an Act passed in that part of this province called Upper Canada, in the third year of the Reign of Her Majesty, intituled "An Act to confirm and regulate certain sales of Lands for Taxes in the Ottawa District."

An Act to confirm and make valid certain Official Acts in the Offices of Registrar, Clerk of the Peace, Clerk of the District Court, and Registrar of the Surrogate Court, in and for the District of Ottawa.

An Act to divide the Township of Hawkesbury, in the Ottawa District, into two Townships.

An Act to amend the Act relating to the Boundary Line between the Niagara and Gore Districts.

An Act to declare a debt contracted by the Committee of Magistrates of the Johnstown District, to enable them to complete the New Gaol and Court House of said District, to be a debt payable by the District Council.

An Act for better defining and establishing the Eastern Boundary line, of the third concession of the Township of Cornwall, in the Eastern District.

An Act to naturalize Cyprian Morgan and others.

An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works.

An Act to Incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulph of St. Lawrence, and Coal Mining in the said District.

An Act to incorporate the Members of the Mercantile Library Association of Montreal.

An Act to confer certain powers on the Bishop of Montreal, in the transfer of certain Lands.

An Act to Incorporate Bishop's College, in the Diocese of Quebec.

An Act to Incorporate the Education Society of the District of Quebec.

An Act to Incorporate the Association called, "La Congrégation de Notre Dame de Québec."

An Act to Incorporate Les Dames Religieuses du Sacré Coeur de Jésus, of the Parish of St. Jacques de l'Achigan, in the District of Montreal, for the purposes of Education.

An Act to renew and continue for a certain time, the privileges granted by a certain Act of Lower Canada therein mentioned, to Alexis Gosselin, and his heirs and assigns, with regard to a certain Bridge over the River Boyer, in the County of Bellechasse.

An Act to amend the Act incorporating the Tay Navigation Company.

An Act to authorize the Court of Queen's Bench and the High Court of Chancery, at their discretion, to admit Samuel Bealey Harrison to practise as an Attorney and Solicitor thereof respectively.

An Act to authorize the Chairman of the Committee of the Canada Inland Forwarding and Insurance Company to sue for, and recover debts due to the Company.

An Act to amend the Charter of the Cataragui Bridge Company.

An Act to alter and amend the Act of Incorporation of the Kingston Marine Railway Company.

(210)

An Act to authorize the Commercial Bank of the Midland District, and the Bank of the Niagara District, to open Books for the transfer of their Stock in the City of London, and to set aside certain portions of their Stock for that purpose.

An Act for Incorporating and granting certain powers to the Upper Canada Trust and Loan Company.

An Act to Incorporate the Kingston Mineral Wells Company.

The Titles of the following Bills were then read:

Bills reserved for the Signification of Her Majesty's pleasure thereon.

An Act for the better securing the Independence of the Legislative Council of this Province.

An Act for better securing the Independence of the Legislative Assembly of this Province.

An Act for the discouragement of Secret Societies.

An Act to Incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto.

An Act to Incorporate certain persons carrying on the business of Banking in the City of Montreal, under the name of "La Banque du Peuple."

An Act to amend the Act Incorporating the Bank of Niagara District by providing for the extension of the time limited for the paying up of the Stock of the said Bank.

An Act to repeal certain Acts therein mentioned and to make better provision respecting the admission of Land Surveyors, and the Survey of Lands in Upper Canada.

An Act for vesting the Market Block in the Town of Niagara, in the Council of the said Town, and for other purposes.

An Act to alter and amend certain parts of an Act therein mentioned, relating to the Navigation of the River St. Lawrence, in so far as the same relates to the Port of Quebec.

To each of which it was His Excellency, the Governor General's pleasure to say, that He reserved the Bill for the signification of Her Majesty's pleasure thereon.

And then His Excellency was pleased to make the following Speech to both Houses:

Speech of His
Excellency, the
Gov. General at
Prorogation.

Honourable Gentlemen of the Legislative Council;
and Gentlemen of the House of Assembly:

In consequence of the interruption which our joint labours have undergone, entirely against my inclination, and from causes over which I have had no control, I now meet you for the purpose of relieving you from further attendance in Parliament. I am sensible of your unremitting application to your arduous duties during the Session which has been so unexpectedly shortened, and I trust that the Measures which you have passed, and to which I have given the Royal Assent in Her Majesty's Name, will prove beneficial to the Country. Some Bills I have been under the necessity of reserving for the consideration of Her Majesty's Government, either from the impracticability of their being carried into execution, owing to their depending on other measures which have not passed into Laws, or from their affecting the Prerogative of the Crown, or being of a character that, under the Royal Instructions, render that proceeding imperative.

Gentlemen of the House of Assembly:

I thank you for the readiness with which you have voted the necessary Supplies. It will be my Duty to take care that they be disbursed with the utmost economy consistent with the efficiency of the Public Service.

Honourable Gentlemen and Gentlemen:

I trust that on your return to your Homes you will, by precept and example, endeavor to secure the blessings of harmony and brotherly love among all classes of the community. Peace and happiness will render our country a desirable place of refuge for the superfluous population of the Parent State, whose settling here is fraught with benefit to themselves and the Colony; while discord and strife must have the opposite effect of deterring them from connecting their destinies with those of a country unceasingly troubled; I humbly hope that the Blessing of the Almighty will render this a prosperous and happy Land, reaping the fruits of its own Industry, and enjoying the powerful protection of our Gracious Sovereign as an integral portion of the British Empire. I will now, Gentlemen, say Farewell; and I trust that we shall meet again to renew our efforts for the public good with greater success.

After which, the Honourable Speaker of the Legislative Council said:

*House Prorogued
'till 15th Jan'y,
1844.*

*Honourable Gentlemen of the Legislative Council;
and Gentlemen of the Legislative Assembly:*

It is the will and pleasure of His Excellency, the Governor General, that this Provincial Parliament be prorogued until Monday, the fifteenth day of January next, and this Provincial Parliament is accordingly prorogued until Monday, the fifteenth day of January next, to be then holden.

FOOTNOTES - 9 DECEMBER 1843.

1. This debate was reported in identical accounts in the MONTREAL GAZETTE, 12 December 1843, and the BRITISH COLONIST, 12 December 1843.
2. MONTREAL GAZETTE, 12 December 1843.
3. IBID.
4. IBID.
5. IBID.
6. IBID.
7. IBID.
8. IBID.
9. IBID.

INDEX

INTRODUCTION

The Index to this Volume is divided into two sections: proper names and subjects. The proper name Index is limited to the names of the men who sat in the Canadian Assembly in 1843. This Index therefore excludes the names of all other persons, such as people mentioned in debates, witnesses testifying before the House in Committee of the Whole, or messengers such as John Godfrey Spragge, Master of Chancery, who at one time or another addressed the House from within the Bar. It also excluded the names of people merely mentioned in the House, such as those whose testimony before Select Committees was reported or referred to in the JOURNALS, and signatures to Petitions presented whose names are noted in connection with various kinds of legislation.

The decision to limit this section of the Index to members of the Assembly was made necessary by the fact that in 1843 the other names number in the thousands, so that their sheer bulk makes it impossible to include them. In addition, every piece of legislation or testimony with which these names are associated is always indexed under subject references. To summarize, the proper name Index refers to every occasion when a member proposed or seconded a motion or resolution, or brought up a petition; it refers to every speech he delivered during debates, and to every other time he addressed the House or took the chair of the House in Committee of the Whole. Only individual votes are excluded because divisions rightfully belong with the legislation they pertain to, and all legislation is included in the subject Index.

The subject Index is based on the Index to the JOURNALS. However, it has been modified, corrected and expanded to render it more useful and complete. In particular, the subjects of all the legislative events reported in the daily Appendices are included in the Index. This Index provides more than a subject analysis of parliamentary events. It also indicates the passage of each particular item through the various stages of the legislative process. It is thus a parliamentary subject Index.

The entries in this Index contain double sets of numbers whenever this is appropriate. One set is contained within parentheses, the other is not. All numbers within parentheses refer to pages in the JOURNALS. All other numbers refer to pages in this Volume. When something is mentioned in the JOURNALS it will be indexed with a double reference. Subjects mentioned only in reconstructed material will be indicated by a single page number. An additional distinction must be made within the category of numbers in parentheses. This category includes italicized numbers which always refer to official communications made in the House, usually Addresses or Messages to or from the Governor-General or the Legislative Council. All words expressed in italics refer to primary subject headings.

SECTION I: PROPER NAMES

A

Armstrong, David Morrison, 229, 367, 1004, 1013.

Aylwin, Thomas Cushing, 15, 20, 21, 22, 32, 39, 42, 43, 44, 58-59, 64-65, 69, 71, 81, 85, 86-88, 96, 103, 113, 119, 132, 134, 155, 175, 202-203, 213, 217, 224, 225-226, 226, 228f, 236, 242, 246, 248, 251, 253-254, 255, 257, 273, 274, 303, 305, 324-326, 351-352, 372, 373, 384-385, 387, 460, 462, 464, 465, 471-472, 474, 494, 495, 503-504, 509, 510, 514, 518, 556, 650, 695, 711, 725, 726, 749, 750, 755, 775-776, 801, 802, 803, 805, 806, 815, 815-816, 817, 818, 823, 841, 841-842, 842-843, 844, 871, 897, 901, 929, 930, 931, 932, 940-941, 1054, 1118, 1118-1122, 1136f, 1139, 1157, 1162, 1167, 1193.

B

Baldwin, Robert, 12-13, 14, 17, 20, 22, 23, 29, 34, 44, 45, 70, 81, 96-102, 106, 108, 130, 150, 154, 161, 163, 164, 180, 191, 195, 196-197, 203, 209, 210, 214, 232, 236, 241, 251, 252, 256, 258, 264, 265, 272, 301, 306-307, 309, 313, 356, 361, 370, 376, 387, 397, 399, 399-400, 400, 403, 408, 412f, 415, 417, 425, 427, 439, 440, 446-447, 448, 450, 455, 456, 458, 462-463, 474, 477, 493, 496, 497, 509, 511, 512, 514, 517, 523, 547, 548, 549, 556, 556-561, 561-562, 562, 600, 659, 662, 664, 683, 694, 706, 709, 720, 736, 742, 743, 749, 756, 765, 777, 781, 787, 789, 790, 810-811, 811-812, 826-827, 831, 835-836, 838, 849-850, 851, 858, 866, 870-871, 896-897, 910, 926, 934-935, 944, 993, 1000, 1008, 1015, 1019, 1022, 1024, 1034-1036, 1036, 1037, 1054, 1086-1089, 1089, 1090, 1156, 1157, 1166, 1188, 1196, 1203, 1206.

Barthe, Joseph Guillaume, 205, 437, 750, 1033, 1054, 1141, 1142, 1186.

Beaubien, Pierre, 1139, 1173.

Berthelot, Amable, 38, 226, 245, 331, 632-633, 633-634, 776, 777, 828, 829-830, 922, 995.

Black, Henry, 409, 465, 467, 482, 529, 634-636, 695, 705, 740, 748, 778-779, 779, 822, 868-869, 871, 879, 885, 888, 889, 930, 939, 1008, 1009, 1022, 1122, 1131, 1138, 1139, 1154, 1170, 1181.

Boswell, George Morss, 62-63, 77, 91-92, 140-141, 169, 407, 410, 418, 436, 437, 445-446, 453, 548, 622-625, 625-626, 692, 705, 740, 833-834, 889, 901, 942, 948, 996, 998, 1016, 1032, 1129, 1171, 1185, 1188, 1200.

Boulton, Henry John, 236, 239, 254, 272, 274, 397, 398, 399, 401-402, 402, 406-407, 415, 418, 425, 427, 448, 453, 462, 463, 466, 467, 474-475, 492, 492-493, 493, 494, 513, 515, 516, 519, 528, 529, 546, 546-547, 549, 552, 562-567, 567-571, 578, 581, 648-650, 656, 662, 681, 695, 705, 724, 727, 727-728, 741, 777, 780, 787, 799, 826, 827, 834, 834-835, 844, 844-845, 870, 888, 891, 897, 900, 917, 928-929, 995, 1019, 1020, 1042, 1043, 1052, 1058, 1076, 1091, 1118, 1131, 1146, 1146-1147, 1148, 1157, 1160, 1164, 1165, 1167, 1170, 1184, 1185, 1187-1188, 1201.

Bouthillier, Thomas, 28, 43, 44, 57, 226, 227, 245, 277, 546, 759, 879, 880, 906, 949.

C

- Cameron, Malcolm, 37, 70, 107, 112, 157, 158, 163, 180, 197-198, 277, 314, 328, 346, 356, 367, 368, 376, 392, 463, 492, 493-494, 517-518, 528, 555, 628-630, 630-632, 683, 751, 752, 761, 787, 788, 826, 827, 829, 843-844, 866, 876, 878, 884, 885, 899, 914, 948, 994, 1048, 1069, 1101-1102, 1108, 1152, 1158-1159, 1203.
- Cartwright, John Solomon, 12, 13, 67, 68, 106, 138-139, 180, 201, 204, 217, 220, 226, 235, 239, 292, 307, 308, 315, 320, 326, 360, 377-378, 381-383, 406, 425, 435, 448, 457, 476, 491, 492, 495, 525, 529, 548, 549, 600, 604-614, 614-615, 655-656, 657, 662, 681, 683, 690, 707, 719, 752-753, 755, 781, 813, 814, 828, 829, 840, 849, 854, 860, 883, 888, 901, 917, 948, 1032, 1080, 1092, 1092-1093, 1152, 1154, 1166, 1167, 1168, 1174, 1186, 1188, 1195, 1204.
- Chabot, Jean, 359, 381, 386, 392, 696, 735, 747, 776, 828, 908, 922, 929, 930.
- Chesley, Solomon Youmans, 77, 229, 247, 248, 647, 917, 1015-1016, 1130, 1132, 1189, 1191.
- Child, Marcus, 38, 77, 112, 150, 160, 169, 217, 229, 250, 303, 316, 328, 330, 350, 405-406, 416, 429, 436, 526, 527, 544-545, 709, 741, 742, 744, 750, 778, 779, 788, 826, 827, 856, 880, 889, 925, 929, 934, 940, 941, 1012, 1053, 1130.
- Christie, Robert, 14, 24, 29, 33, 38, 41, 70, 71, 77, 106, 107, 112, 113, 118, 135, 157, 160, 163, 218, 246, 277, 304, 305, 308, 343, 359, 365, 372, 373, 387, 434, 437, 478, 512, 513, 603, 665, 683, 695, 703, 703-704, 704, 707, 726-727, 729, 734, 808, 860, 874, 880, 888, 890, 905, 910, 929, 930, 931, 940, 1007, 1009, 1012, 1032, 1058, 1096, 1140, 1141, 1142, 1143, 1150, 1164, 1165, 1175, 1179, 1182, 1188, 1193, 1199.
- Cook, John, 868, 886.
- Crane, Samuel, 272, 711, 805.
- Cuvillier, Austin, 1, 6, 7, 17, 25f, 28, 37, 68, 71, 72, 80, 112, 119, 150, 158, 161, 163, 177, 183, 205, 211, 212, 217, 220, 221, 226, 227, 236, 237, 239, 240, 245, 251, 253, 271, 273, 293, 294, 309, 313, 317, 320, 331, 354, 359, 370, 371, 373, 374, 376, 386, 387, 390, 391, 408, 409, 410, 414, 426, 429, 447, 453, 458, 460, 467, 468, 477, 481, 496, 497, 510, 511, 514, 514-515, 528, 614, 642, 644-645, 654, 662, 696, 700, 708, 709, 724, 729, 739, 744, 746, 756, 757, 758, 776, 783, 791, 801, 802, 806, 815, 816, 817, 819, 823, 827, 863, 864, 868, 872, 873, 874, 875, 880, 888, 891, 892, 893, 907, 913, 922, 924, 925, 944, 976, 994, 995, 998, 1000, 1004, 1007, 1012, 1014, 1015, 1017, 1032, 1033, 1043, 1044, 1045, 1046, 1056, 1057, 1062, 1069, 1132, 1138, 1139, 1143, 1144, 1145, 1150, 1151, 1159, 1162, 1163, 1164, 1171, 1173, 1174, 1179, 1180, 1181, 1182, 1186, 1194, 1199, 1212.

D

- Daly, Dominick, 30, 104, 119, 125, 177, 183, 215f, 237, 241, 249, 266, 293, 310, 317, 339, 467, 468, 496, 600, 725, 757, 791, 802, 809, 813, 815, 817, 862, 902, 916, 930, 1000, 1037, 1042.

- Derbshire, Stewart, 44, 210, 278, 552, 643-644, 645-647, 888.
- DeWitt, Jacob, 77, 150, 157, 180, 209, 211, 224, 229, 242, 245, 458, 603, 650, 683, 691, 703, 808, 816, 864, 893, 905, 925, 929, 1007, 1015, 1018, 1032, 1046, 1058, 1135, 1140.
- Duggan, George R., 65-67, 68, 103, 103-104, 144-146, 223, 401, 404, 433, 438, 439, 442, 442-443, 444, 457, 505-508, 547, 656, 783, 822, 891.
- Dunlop, William, 7, 14, 15, 20, 21, 30-32, 39, 41, 54-56, 63-64, 80, 95, 117, 128-130, 144, 153, 176, 204, 250, 251, 255, 272, 292, 307, 313, 315, 343, 345-346, 355, 356, 366-367, 372, 374, 400, 403, 405, 453, 458, 463, 464, 464-465, 466, 475, 476, 500-501, 512, 541, 567, 578-579, 683, 693, 704-705, 706, 707, 720, 728, 740, 743, 744, 754, 777, 779, 781, 783, 787, 818-819, 885, 1091, 1156.
- Dunn, John Henry, 28, 354, 397, 489, 556, 591, 781, 1006.
- Durand, James, 277, 329, 330, 352, 356, 392, 404-405, 411, 415, 434, 446, 465-466, 478, 505, 552, 580, 693, 756, 779, 784, 822, 873, 887, 889, 901, 1096, 1134, 1174, 1192, 1196, 1206.

F

- Forbes, C. John, 107, 177, 229, 316, 337, 359, 696, 747, 816, 822, 913, 948, 1003, 1017, 1044, 1056, 1056-1057, 1108, 1130.
- Foster, Stephen Sewel, 169, 359, 429, 747, 787, 1061.
- Franchère, Timothée.

G

- Gilchrist, John, 334, 371, 425, 426, 1001.

H

- Hale, Edward, 20, 34, 57, 71, 180, 250, 303, 308, 328, 343, 361, 376, 387, 460, 472, 525, 555, 664, 692, 734, 735, 774, 775, 778, 788, 874, 948, 975, 1003, 1032, 1044, 1044-1045, 1052, 1052-1053, 1053, 1054, 1061, 1146, 1186, 1196, 1197, 1204.
- Hamilton, John Robinson, 331, 343, 355, 374, 410, 438, 449, 696, 728-729, 730, 743, 817, 819, 828, 871, 935, 994, 1052, 1070, 1091-1092, 1138, 1154, 1159, 1171, 1192.
- Harrison, Samuel Bealey, 108, 112, 150, 154, 191, 192-194, 202, 211, 308, 334, 356, 416-417, 574-577, 578, 654, 707, 780-781, 889, 939, 995, 1123-1129, 1158, 1196, 1199.
- Hincks, Francis, 22-23, 32, 38, 59-60, 67-68, 69, 92-95, 113, 137-138, 156, 159-160, 160, 164, 165, 169, 176, 199-200, 200-201, 211, 220, 221, 227, 234, 236, 239, 250, 251, 257, 261, 274-275, 277, 284, 293, 300-301, 307-308, 308, 315, 319, 326-327, 328, 329, 330, 331, 332f, 337, 346, 352-353, 354, 359, 365, 366, 368, 370, 376, 386, 411, 417, 419, 429, 434, 439, 442, 443, 444, 450, 458, 463, 475, 478, 493, 494, 495, 512, 515-516, 541-544, 552, 580-581, 581-583, 662, 692, 697, 702, 703, 704,

- 706-707, 723, 724, 726, 729, 739-740, 740, 741, 753-754, 779, 799, 811, 812, 827-828, 831, 831-833, 845, 846-847, 858, 860, 881, 886, 887-888, 888, 889, 892, 900-901, 910, 911, 914, 933-934, 941-942, 995, 1020, 1041, 1042-1043, 1043, 1053, 1093-1095, 1114, 1129-1130, 1148, 1164-1165, 1165, 1179, 1185, 1199.
- Holmes, Benjamin, 38, 77, 112, 143-144, 150, 161, 169, 229, 234, 235, 236, 245, 252, 253, 261, 350-351, 392, 398, 399, 414, 416, 489-490, 491, 523, 547, 602, 638-640, 683, 721, 734, 774, 779-780, 889, 941, 1069, 1081, 1081-1084.
- Hopkins, Caleb, 229, 261, 398, 408, 439, 447, 456, 756-757.

J

- Jobin, André 552, 822, 883, 1003, 1106.
- Johnston, James, 7, 13, 20, 21, 29, 41, 45, 56-57, 62, 68, 70, 81, 105, 107, 117, 127, 130, 157, 162, 176, 197, 204, 226, 241, 273, 292-293, 305, 329, 331, 354, 494-495, 505, 509, 509-510, 540, 549, 556, 597, 644, 694, 705, 708, 722, 724, 738, 743, 758, 780, 783, 790, 791, 799, 840, 875, 884, 885, 891, 893, 994, 995, 1014, 1079, 1106, 1160, 1162, 1163, 1181, 1182, 1197, 1199, 1205, 1206.
- Jones, Robert, 180, 219, 245, 316, 334, 354, 751, 775, 781, 829, 830, 854, 879, 880, 884, 936, 1003.
- Judah, Henry, 112, 221, 393, 449, 641-642, 642-643, 801.

K

- Killaly, Hamilton Hartley, 164, 257, 1051.

L

- Lacoste, Louis, 683, 734, 878.
- LaFontaine, Louis Hippolyte, 23, 24, 30, 34, 39, 41, 69, 70, 71, 80, 96, 104, 105, 117, 154, 158, 159, 161, 176, 201, 202, 222-223, 226, 230, 236, 258, 265, 275, 302-303, 303-304, 304, 307, 320-322, 322-323, 374, 419, 454, 455, 548, 549, 556, 625, 659, 695, 696, 706, 720, 736, 775, 789, 790, 811, 822, 823, 851, 856, 858, 869-870, 871, 871-872, 880, 888, 898-899, 911-912, 1000, 1020, 1037-1039, 1059, 1068, 1131, 1140, 1149, 1160, 1188, 1197-1198, 1198.
- Leslie, James, 38, 42, 77, 176, 245, 277, 283, 284, 392, 426, 523, 691, 695, 696, 761, 783, 790, 816, 880, 1001, 1046, 1055, 1142.

M

- Macdonald, John Sandfield, 307, 414, 640-641, 817, 828, 924, 1061, 1103, 1106, 1138, 1142, 1180, 1196.
- MacNab, Allan Napier, 12, 13, 14, 16, 21, 23, 29, 30, 32, 34, 38, 41, 42, 43, 44, 57, 60-61, 65, 68, 81, 88-90, 90, 95, 106, 110f, 131-132, 133,

- 144, 155, 169, 175, 196, 203, 204, 222, 223-224, 226, 235, 246, 248, 249, 253, 265, 273, 491, 494, 496, 497, 509, 510, 511, 518-519, 523, 528, 583-584, 662, 667, 693, 707, 721, 723, 726, 742, 743-744, 751, 754, 888, 897, 900, 901, 910, 910-911, 911, 994, 1022, 1049, 1053, 1068-1069, 1095-1096, 1103, 1147, 1148, 1149, 1160, 1166, 1167, 1206.
- McCulloch, Michael.
- McDonald, Donald, 127, 376, 414, 453, 460, 482, 527, 548, 761, 789, 892, 918-919, 1171.
- McLean, Alexander, 37, 160, 225, 226, 234, 250, 376, 429, 602, 875, 890-891, 974, 974-975, 1130, 1141, 1156, 1188.
- Merritt, William Hamilton, 45, 50-54, 77, 160, 209, 211, 224, 246, 273-274, 277, 307, 310, 314, 330, 332f, 343-345, 356, 359, 372, 373, 419, 448, 462, 463, 475, 482, 495, 518, 527, 587-591, 724, 727, 741, 826, 829, 840, 879-880, 886, 896, 899, 928, 930, 943, 1033, 1122-1123, 1160, 1172, 1173, 1205.
- Moffatt, George, 68, 77, 81, 95-96, 140, 222, 226, 235, 245, 249, 254, 255, 258, 271, 275, 302, 308, 314, 323, 327, 353, 360, 362, 393, 395, 405, 415, 429, 484, 485, 491, 495.
- Moore, John, 77, 150, 211, 261, 328, 329, 392, 450, 481, 1054.
- Morin, Augustin Norbert, 15-16, 22, 44, 58, 63, 131, 150, 156, 158, 204, 217, 221, 271, 338, 361, 372, 385-386, 388, 415, 435-436, 455, 463, 513, 532-534, 662, 700, 707, 729, 743, 744, 759, 776, 776-777, 784, 799, 818, 836-837, 850, 860-861, 884, 889, 935, 942-943, 1109, 1154, 1158, 1179.
- Morris, James, 38, 102-103, 163, 245, 248, 259f, 334, 349-350, 356, 376, 453, 509, 523, 555, 602, 668, 701-702, 711, 713, 723, 724, 868, 872, 886, 948, 998, 1033, 1061, 1107, 1130, 1140, 1141, 1141-1142, 1142, 1143, 1149, 1155-1156, 1168, 1191, 1195.
- Murney, Edmund, 701, 723, 742, 765, 813, 828, 829, 848-849, 858, 934, 1080, 1096-1097, 1099, 1103.

N

- Neilson, John, 13, 20, 21, 24, 29, 39, 41, 42, 44, 45, 77, 80, 118-119, 134-135, 153-154, 155, 176, 180, 209, 217, 219, 226, 230, 246, 261, 273, 277, 304, 308, 317, 320, 322, 323, 329, 338, 365, 366, 385, 387, 396, 402-403, 407, 409, 416, 419, 426, 436, 465, 466, 494, 495, 497-498, 528, 603, 641, 695, 729, 751-752, 756, 761, 762, 777, 781-782, 789, 799, 813, 871, 880, 884, 889, 901, 930, 934, 935-936, 1001, 1051, 1053, 1059, 1069-1070, 1130, 1131, 1140.
- Noel, Jean Baptiste Isaie, 418, 458, 524, 875, 876, 890.

P

- Papineau, Denis Benjamin, 39, 175, 229, 246, 261, 1009.
- Parke, Thomas, 139-140, 150, 169, 245, 320, 323, 407, 528, 552, 757, 776, 787, 822, 827, 891, 901, 1179, 1180.
- Powell, Israel Wood, 376, 410, 429, 761, 1137, 1146.

Price, James Hervey, 34, 70, 72, 90-91, 118, 126, 154-155, 164, 165, 175, 176, 220, 229, 235, 236, 239, 245, 252, 292, 305, 307, 334, 492, 495, 501-503, 514, 652-654, 692, 704, 721, 912, 928, 1008, 1019, 1043, 1053, 1059, 1072-1076, 1076, 1077-1079, 1079, 1079-1080, 1080-1081, 1081, 1110, 1133, 1134, 1144, 1144-1145, 1146, 1147, 1150, 1161, 1184, 1188, 1189-1191.

Prince, John, 352, 359, 372, 392, 402, 414, 415, 416, 429, 432, 433, 435, 439, 445, 447, 455, 512, 527, 650-652, 681, 690, 692, 701, 705, 746, 805, 818, 828, 897, 910, 911, 926, 1008-1009, 1016, 1051, 1097-1099, 1099, 1203.

Q

Quesnel, Frédéric Auguste, 39, 43, 226, 239, 240, 245, 420, 692, 696, 736, 812, 940.

R

Roblin, John P., 105, 150, 162, 202, 229, 234, 239, 277, 308, 329, 331, 334, 370, 376, 475-476, 476, 482, 552, 598-600, 708, 722, 723, 725, 729, 743, 819, 830, 848, 863, 866, 878, 880, 884, 934, 1015, 1043, 1056, 1143, 1149, 1180.

S

Sherwood, George, 15?, 22?, 34?, 39, 41?, 61-62?, 70?, 108?, 119?, 126?, 135-136?, 136-137?, 155?, 175?, 198-199?, 200?, 236?, 241?, 251?, 402, 404, 407-408?, 433, 458, 473, 474, 476, 693-694?, 790, 814, 827?, 850?, 888?, 901?, 1052, 1096, 1103, 1132, 1174.

Sherwood, Henry, 15?, 22?, 34?, 39, 41?, 61-62?, 70?, 81-83, 83, 84, 84-85, 85-86, 105, 108?, 119?, 135-136?, 136-137?, 155?, 171, 175?, 198-199?, 200?, 219, 225, 228, 230, 236?, 241?, 251?, 257, 261, 274, 275, 392, 399, 400-401, 403, 407-408?, 408, 414, 415, 418, 419, 427, 432, 433, 433-434, 436, 437, 440, 440-441, 444, 444-445, 446, 455, 458, 466-467, 476, 494, 495, 498-500, 500, 513, 513-514, 514, 523-524, 527, 529-532, 591-597, 656, 657, 683, 692, 693-694?, 706, 719, 720, 723, 727, 787, 812, 827?, 837-838, 838-840, 840, 841, 842, 850?, 858, 859, 878, 888?, 897, 899-900, 900, 901?, 912, 994, 1008, 1053.

Simpson, John, 28, 41, 112, 204-205, 212, 214, 217, 218, 236, 240, 241, 248, 257, 258, 274, 332f, 350, 366, 368, 429, 434-435, 464, 465, 466, 467, 546, 709, 730, 739, 815, 876, 901, 913, 944, 1004, 1016, 1051, 1053, 1058, 1091, 1103, 1110, 1148-1149, 1156, 1161, 1162, 1164, 1182, 1198, 1204.

Small, James Edward, 23, 95, 248, 435, 457, 475, 496, 500, 549, 625, 626-628, 662, 703, 723, 826, 886, 888, 901, 905, 1053, 1106, 1193, 1196, 1197.

Smith, Harmanus, 13?, 68?, 169, 219, 239?, 409, 448, 476?, 822, 878, 948, 1057, 1080?, 1108, 1173, 1174.

Smith, Henry, 13?, 20, 33, 68?, 180, 217, 229, 239?, 246, 261, 305, 308, 362, 439, 474, 476?, 511, 528, 636-638, 683, 813, 830, 910, 911, 1032, 1080?, 1099, 1103, 1182, 1184, 1185.

Steele, Elmes, 21, 24, 29, 37, 70, 71, 92, 118, 126, 128, 130, 146, 199, 211, 212, 251, 257, 258, 308, 328, 329-330, 349, 384, 402, 415, 418, 441-442, 447, 448, 460, 497, 510, 511, 546, 619-622, 700, 743, 829, 835, 849, 859, 879, 934, 1004, 1122, 1147-1148, 1148.
 Stuart, William, 799, 816-817, 943, 975, 1045, 1106, 1151, 1154, 1163, 1171.

T

Taché, Etienne Paschal, 38, 319, 371, 466, 584-586, 735-736, 872, 873, 886, 936-938, 1024, 1170, 1171.
 Taschereau, Antoine Charles, 20, 105, 217, 331, 343, 354, 362.
 Thompson, David, 160, 221, 261, 270, 293, 314, 414, 419, 602, 723, 750, 874, 878, 890, 896, 1135, 1137, 1140, 1143, 1161, 1163, 1165, 1184, 1185, 1192.
 Thorburn, David, 28, 38, 126, 178, 209, 219, 235, 239, 273, 283, 293, 310, 313, 315, 316, 317, 328, 329, 346, 356, 371, 373, 392, 398, 417, 418, 418-419, 420, 435, 453, 467, 473, 476, 477, 478, 482, 492, 518, 524, 544, 654, 693, 705, 706, 713-714, 723, 724, 1001, 1017, 1031, 1043-1044, 1045, 1046, 1052, 1056, 1069, 1138, 1146, 1154, 1164, 1178, 1193.
 Turcotte, Joseph Edouard, 141-143, 650, 895, 1009, 1130.
 Turgeon, Abraham, 482.

V

Viger, Denis Benjamin, 14, 21-22, 33, 43, 45, 48-50, 62, 67, 74f, 77, 105, 109f, 112, 133-134, 150, 163, 177, 212, 213, 226, 227, 229, 240, 245, 248, 256, 271, 274?, 302, 309, 313, 327, 373, 374, 376, 380, 385, 388, 410, 415-416, 426, 446, 462, 477, 497, 509?, 511, 513, 552, 571-574, 683, 695, 706, 707, 709, 721, 727, 742, 747, 753?, 758, 802, 818, 859?, 870, 871?, 908, 925, 930?, 938-939, 996, 998, 1004, 1009?, 1018, 1019?, 1036, 1042?, 1043, 1076, 1084-1086, 1090, 1130, 1140, 1141, 1141-1142, 1142, 1143, 1154, 1188, 1188?, 1199, 1200, 1205.
 Viger, Louis Michel, 42, 118, 202, 217, 220, 224, 235, 246, 274?, 277, 352, 367, 408, 509?, 753?, 859?, 871?, 930?, 1009?, 1019?, 1042?, 1188?.

W

Wakefield, Edward Gibbon, 77, 150, 164, 180, 205-209, 209, 217, 227, 238, 241, 242, 245, 277, 304, 319, 346-349, 372, 376, 437, 448, 534-538, 538-540, 540-541, 550f, 615-619, 705, 706, 726, 728, 754-755, 789, 809-810, 811, 847-848, 860, 864, 889, 907, 912, 948, 1000, 1006, 1103, 1110, 1111-1114, 1114-1118, 1118, 1155, 1189, 1205, 1206.
 Watts, Robert Nugent, 303, 305, 309, 320, 330-331.
 Williams, John Tucker, 28, 160, 210, 211, 304-305, 320, 330, 346, 402, 440, 474, 493, 505, 516-517, 546, 547, 648, 693, 701, 705, 723, 724, 740, 743, 755, 758, 778, 847, 878, 891, 912, 924, 928, 929, 934, 998, 1015, 1023, 1052, 1107, 1130, 1149, 1171, 1182, 1186.
 Woods, Joseph.

SECTION II: SUBJECTS

A

ABSCONDING DEBTORS:--Bill to enable Creditors to attach the personal Estate of Absconding Debtors in certain Cases, presented and read, (131) 826. Second reading, (152) 932-933. Committed, (152) 933. Instructions to the Committee, (163) 975.

ABSENTEES:--Vide Taxes.

ACADEMIES:--Vide Charleston Academy; Clarenceville Academy; Shefford Academy.

ACCOUNTS AND PAPERS:

1. Administration of Justice:--Report of Commissioners to inquire relative to the Administration of Justice, in the Inferior District of Gaspé. Ordered by Address, 15 September 1841. Presented, (16) 122. Printed, (20) 160.
2. Appointments to Office:--Names of Members of the House who have received Appointment to Office, whether of honour or profit, &c. Ordered by Address. Presented, (41) 269. Printed, (47) 292-293.
3. Appointments to Office:--Returns of appointments to Office in Lower Canada, since 1791. Ordered by Address, 27 September 1842. Presented, (77) 468. Motion for printing, (82) 492-494. Consideration of Motion postponed, (82) 494.
4. Assessments:--For Upper Canada, for the years, 1842 and 1843. Ordered by Act, 59 Geo. 3, cap. 7. Presented, (78) 471.
5. Assurance Companies:--Statement of the Assets and Liabilities, and List of the Stockholders, of the Canada Fire Assurance Company. Ordered by an Order, 10 October 1842. Presented, (17) 150.
6. Assurance Companies:--Return of the British American Fire and Life Assurance Company. Ordered by Acts, 3 Wil. 4, cap. 19, and 6 Vic., cap. 26. Presented, (17) 150.
7. Assurance Companies:--Statement of the affairs of the Montreal Assurance Company. Ordered by the House, 6 October 1843. Presented, (70) 429.
8. Bankrupt Commissioners:--Statements of Official business, under an Ordinance of Lower Canada. Ordered by Address. Presented (202) 1179.
9. Banks:--Despatch on the Act of last Session, relating to Savings Banks. Ordered by Message. Presented, (47, 47-48) 295, 295-297.
10. Banks:--Despatch on Acts of last Session, on Currency and on various Banking Companies. Ordered by Message. Presented, (47, 49) 295, 298-300.
11. Banks:--Return of the Banking Institutions, which have paid the tax imposed by 4 & 5 Vic., cap. 29. Ordered by Address. Presented, (55) 341-342.
12. Banks:--Statements of: Bank of Montreal; City Bank of Montreal; Commercial Bank of the Midland District; Upper Canada Bank; and Gore Bank. Ordered, (23) 183. Presented, (56) 359, (61) 376, (67) 414, (73) 453.
13. Baptisms, Marriages, and Burials:--Statement and Returns, for 1841,

- for the District of Gaspé; and for 1842, for the Districts of Quebec, Montreal, and Three Rivers. Ordered by Act, 6 Geo. 4, cap. 8. Presented, (6) 28.
14. Bastard Sugar:--Despatches and Correspondence, relating thereto. Ordered by Address. Presented, (123-125) 791-798. Vide Bastard Sugar.
 15. Beauharnois Canal:--Correspondence between the Civil Government and the Military Authorities, respecting stationing Troops on line of said Canal. Ordered by Address. Presented, (40-41) 266-269.
 16. Beauharnois Canal:--Report of Commissioners of enquiry on the disturbances thereon last Summer; and also a statement of the expenses for the same purpose upon the Lachine Canal. Ordered by Address. Presented, (49) 300.
 17. Beauharnois Canal:--Correspondence between the Executive Government and the Stipendiary Magistrates on the Beauharnois Canal. Ordered by Address. Presented, (54-55) 339-341.
 18. Bidwell, Marshall Spring:--Correspondence relating to him. Ordered by Address. Presented, (34-35) 237-238.
 19. Board of Works:--Report of. Ordered by Act, 4 & 5 Vic., cap. 38. Presented, (41) 269. Printed, (41) 270.
 20. Bonds and Securities:--Registrars' Report of. Ordered by Act, 4 & 5 Vic., cap. 38. Presented, (35) 245.
 21. Canada Corn:--Despatch from Secretary of State on the subject of importation of Wheat into Canada. Ordered by Message. Presented, (16) 122-123.
 22. Canada Corn:--Imperial Act on importation of Wheat and Wheat Flour into the United Kingdom from Canada. Ordered by Message. Presented, (16-17) 123-125.
 23. Canada Corn:--Communications relating thereto since 2 March 1842. Ordered by Address. Presented, (37) 249.
 24. Casual and Territorial Revenue:--Return of. Ordered by Address, 17 August 1841. Presented, (45) 286-287.
 25. Civil List:--Message of His Excellency the Governor General, respecting. Ordered by Address. Presented, (47) 294.
 26. Civil List:--Memorandum, containing further information. Ordered by Command of His Excellency. Presented, (49) 300-301. Printed, (49) 301.
 27. Customs:--Returns from Collectors of, at the Ports of Montreal and Kingston, respecting Warehousing. Ordered by an Order, 8 October 1842. Presented, (30) 217.
 28. Customs:--Despatch, on Act of last Session, relating thereto. Ordered by Message. Presented, (47, 48) 295, 297-298.
 29. Customs:--Return of Seizure of Goods illegally imported in 1840, 1841, and 1842. Ordered by Address, 10 October 1842. Presented, (44) 284.
 30. Customs:--Return of Harbour and Port dues, at the Port of Toronto. Ordered by Address. Presented, (77) 468-470.
 31. Customs:--Report of Commissioner, on the Collection of the Revenue. Ordered by Command of His Excellency. Presented, (78) 470. Printed, (89) 603.
 32. Customs:--Return to Address on dismissal of William Moore Kelly, as Collector of Customs, Port of Toronto. Ordered by Address. Presented, (148) 916.
 33. Debentures:--Schedule of, redeemed and outstanding for 1842. Ordered by Acts. Presented, (81) 489.

34. Education:--Information respecting the several Institutions of Education receiving grants of Public Money. Ordered by Address, 6 October 1842. Presented, (37) 249.
35. Education:--Minutes of Council on distribution of School Moneys. Ordered by Message. Presented, (75) 456. Printed, (75) 456.
36. Education:--Report of Superintendent of Education for Lower Canada for 1842. Ordered by Command of His Excellency. Presented, (103) 700. Printed, (103) 700.
37. Education:--Report of Superintendent of Education for Upper Canada. Ordered by Command of His Excellency. Presented, (125) 798-799.
38. Executive Council:--Communications by Message relative to the resignation of certain Members of said Council. Ordered by Address. Presented, (181-183) 1063-1068. Printed, (183) 1068-1069.
39. Executive Departments:--Return from each department of the Executive Government for the years 1840, 1841, and 1842. Ordered by Address, 27 September 1842. Presented, (78) 470-471. Motion for printing, (82) 492-494. Consideration of Motion postponed, (82) 494.
40. Financial Statements:--Of Fees and Allowances to Public Officers. Ordered by an Order, 8 September 1841. Presented, (52) 319. Printed, (56) 343.
41. General Election:--Correspondence between the Provincial Government, and Nicholas Fulham, on the subject of the late General Election in Lower Canada. Ordered by Address. Presented, (128) 813. Vide Elections, General, Outrages At.
42. Indian Lands:--Copies of two Petitions, one from James Little, and one from the Chiefs and Sachems of the Six Nations Indians, residing on the Grand River Tract. Ordered by Address. Presented, (136) 862-863. Vide Land Granting.
43. Insane and Invalids:--Report of the Commissioners for the relief of Insane, Invalids, and Foundlings, in the District of Quebec, to 30 September 1842. Ordered by Mr. Speaker. Presented, (56) 359.
44. King's and Upper Canada Colleges:--Statement of the affairs of said Colleges, for the years 1839, 1840, 1841, and 1842. Ordered by Command of His Excellency. Presented, (23-24) 176-177. Printed, (24) 177. Referred to a Special Committee, (88) 555.
45. Land Granting:--Return of Agents and others employed by the Commissioners of Crown Lands, during and subsequent to 1840, &c. Ordered by Address. Presented, (145) 902.
46. Library:--Report from Librarian, on the present state of the Library. Ordered by a Standing Order of 19 June 1841. Presented, (6) 28.
47. Lower Canada:--First and Second Reports of the Commissioners, for revising the Acts and Ordinances thereof. Ordered by Message. Presented, (206) 1195.
48. Lumber:--Statement of Licenses granted and timber cut on Crown Lands, in the County of Ristigouche, in the years 1835, 1836, 1837, 1838, 1839, 1840, 1841, and 1842, &c. Ordered by Address, 20 September 1842. Presented, (17) 125.
49. Lumber:--Statement of the quantity of Timber shipped from the Ports of Dalhousie and Campbelltown, in the Ristigouche, in the years 1835, 1836, 1837, 1838, 1839, 1840, 1841, and 1842. Ordered by Address, 20 September 1842. Presented, (17) 125.

50. Marriage Licenses:--Return of Fees of Marriage Licenses for Canada, from 10 February 1841, to 31 December 1842. Ordered by Address, 10 October 1842. Presented, (44-45) 284-286. Printed, (47) 293. Vide Marriage Licenses.
51. Marriage Licenses:--Report of the Executive Council on the Report of the Inspector General, on the Marriage License Fee Fund. Ordered by Address. Presented, (145) 902-904. Printed, (145) 904.
52. Population:--Returns from the District of Upper Canada, with other Statistical information. Ordered by Act, 4 & 5 Vic., cap. 42. Presented, (83) 496.
53. Post Office:--Despatch respecting the same in British North America. Ordered by Message. Presented, (51-52) 317-319. Printed, (52) 319.
54. Prince Albert:--Despatch in answer to Address of last Session, on the birth of the Prince of Wales. Ordered by Message. Presented, (15) 120-122.
55. Prince Edward Island:--Letter from the Speaker of the Assembly of. Ordered by Mr. Speaker. Presented, (5) 16-17.
56. Provincial Penitentiary:--Accounts and Affairs of, for the Years 1842 and 1843. Ordered by Act, 4 Wil. 4, cap. 37. Presented, (109) 725.
57. Public Accounts:--Income and Expenditure for the year ending 31 December 1842. Ordered by His Excellency's Command. Presented, (44) 284.
58. Public Accounts:--Estimate of Revenue and Expenditure for the year ending 31 December 1843. Ordered by Message. Presented, (47) 293.
59. Public Accounts:--Supplementary Estimate of the Expenses of the Civil Government, for the year 1843. Ordered by Message. Presented, (181) 1062-1063.
60. Punishment for Offence:--Extract of Despatch of the Act of last Session relating thereto. Ordered by Message. Presented, (47, 48-49) 295, 298.
61. Queen:--Despatch in answer to Address of last Session, on the birth of the Prince of Wales, and on Her Majesty's escape from an attempt upon her life. Ordered by Message. Presented, (15) 120.
62. Returns of Members:--Notifications and Resignations connected therewith. Ordered by Mr. Speaker. Presented, (2) 3, 4, 5, (3) 7, (5) 16.
63. Roads:--Information respecting the Montreal and Quebec Turnpike Roads. Ordered by Address, 10 October 1842. Presented, (37) 249.
64. Roads:--Statement of the affairs of the Champlain and St. Lawrence Rail Road. Ordered by Address, 2 Wil. 4, cap. 58. Presented, (56) 359.
65. Seat of Government:--Report of the Executive Council thereon. Ordered by Address. Presented, (25-28) 184-191. Printed, (28) 204.
66. Seigniorial Tenure:--Report of Commissioners thereon, as it obtains in Lower Canada. Ordered by Address, 7 September 1841. Presented, (15-16) 122. Printed, (66) 398.
67. Steam Dredge:--Report of the late Commissioner. Ordered by Acts. Presented, (45-46) 287-292.
68. Trinity House Quebec:--Account of the Corporation. Ordered by Act, 4 & 5 Vic., cap. 15. Presented, (7) 37.
69. Wheat and Flour:--Despatch, announcing Her Majesty's Assent to the Bill of last Session, imposing a duty on Wheat imported into Canada; and also an Enactment of the Imperial Parliament reducing the duties

on Wheat and Flour, the Produce of Canada, imported into the United Kingdom. Ordered by Message. Presented, (16-17) 122-125.

ACCOUNTS AND PAPERS:--Addresses for. Returns not presented, vide Addresses, (8, 16, 23, 29, 36, 39, 40, 42.)

ACTS AND ORDINANCES:--Petition of H. Solomon, and others, praying for certain amendments to the Act 9 & 10 Geo. 4, cap. 75, (110) 734, (116) 761.

ACTS AND ORDINANCES, LOWER CANADA:--Vide Accounts, (9, 10, 28, 47, 60, 69.); Governor General, Messages From His Excellency, (4, 5, 9, 15.)

ACTS OF IMPERIAL PARLIAMENT:--Importation of Corn into the United Kingdom, (16) 122, 123-124.

-----Vide also Accounts, (22, 69.); Addresses, (17.)

ADDRESSES:

1. To Her Majesty:--Of Congratulation, on the birth of another Princess. Committee appointed to draft an Address, (37) 250. Address reported and agreed to, (39) 264-265. To be engrossed; Address to His Excellency to transmit the same to be laid at the foot of the Throne, (39-40) 276. To be engrossed; Executive Councillors to know His Excellency's pleasure when he will be attended, (40) 276. His Excellency appoints to be attended, (49) 301. His Excellency's answer, (50) 313.
2. To Her Majesty:--On the subject of the Seat of the Provincial Government of this Province. Ordered, on division, (90-91) 658-659. Committee appointed to draft the Address, (91) 659. Reported and agreed to, (92) 664-665. To be engrossed; Communicated to the Legislative Council for concurrence, (92) 665. Agreed to by the Council, (108) 718. Address to His Excellency, to transmit the Address to Her Majesty, from the Council, (108) 718-719. Concurred in, on division, (108-109) 720-721. His Excellency appoints to be attended by both Houses, (110) 733-734. His Excellency's answer, (113) 746-747.
3. To Her Majesty:--On the subject of Imperial Duties, payable upon the importation of Works into this Province, of useful information from the British Press, (104-105) 709, (112) 739. Committee appointed to draft the Address, (112) 741. Address reported and agreed to, (113-114) 748-749. Engrossed, (114) 749. Address to His Excellency to transmit the same; To be engrossed; To be presented by Members of the Executive Council, (114) 749.
4. To Her Majesty:--On the subject of the Civil List. Committee appointed to draft an Address agreeably to certain Resolutions thereon, (197) 1166-1167. Also an Address to His Excellency, to cause the same to be laid at the foot of the Throne, (197-198) 1167. Addresses reported and agreed to, (200-201) 1175-1177. Committee to present the Addresses to His Excellency, (201) 1177. Address to Her Majesty to be printed, (201) 1177. His Excellency will answer by Message, (205) 1193. Answer, (207) 1203.

5. To Her Majesty:--On the subject of granting a General Amnesty for Political Offences. Notice of Motion, 24. Motion, 128-146. Withdrawn Motion, 146.
6. To Prince Albert:--Of Congratulation, on the birth of another Princess. Committee to draft an Address, (37) 250. Address reported and agreed to; To be engrossed, (39-40) 264-265. Address to His Excellency, to transmit the same, to be presented to His Royal Highness; To be engrossed; Executive Councillors to know His Excellency's pleasure when he will be attended, (40) 265. His Excellency appoints to be attended, (49) 301. His Excellency's answer, (50) 313.

To His Excellency:

7. Appointments to Office:--For names of Members who have received the same, of profit or honour, as also to others formerly Members; nature of Appointment and Salary; before and after 16 September 1842, (23) 176. Vide Accounts, (2.)
8. Assessments:--For Returns for 1842, of Assessment and Local Taxation in Upper Canada; Expenses for local Administration of Criminal Justice; Support of Gaols, and carrying Prisoners to Penitentiary; Of sums paid to Sheriffs attending Administration of Justice in Lower Canada; and also of sums paid out of the Public Revenue in Canada in 1842, on Highways, &c.; Of amount for deficiency of Judges, &c.; Of Militia Pensions paid the same year; Of Indian Annuities, &c., (135) 858-860.
9. Bankrupt Commissioners:--For statement of the Official business before them, from their appointment to the present time under the Bankrupt Law of Lower Canada, (19) 157-158. Vide Accounts, (8.)
10. Banks:--For Returns of Banking Institutions which have paid taxes, imposed by 4 & 5 Vic., cap. 29, (47) 292. Vide Accounts, (11.)
11. Bastard Sugar:--For despatches or communications to or from the Colonial Minister on the subject of duties levied on Bastard Sugar, (102) 691. Vide Accounts, (14.)
12. Beauharnois Canal:--For correspondence between the Civil Government and the Military Authorities, on stationing Troops on line of said Canal. Notice of Motion, 164. Motion, (29) 205-210. Vide Accounts, (15.)
13. Beauharnois Canal:--For report of Commission of Enquiry on the disturbances thereon, with statement of expenses, &c., and also statement of expenses in putting down disturbances on Lachine Canal, (31) 219-220. Vide Accounts, (16.)
14. Beauharnois Canal:--For copies or extracts of correspondence, between the Executive and Stipendiary Magistrates recently appointed on the line of said Canal. Notice of Motion, 241-242. Motion, (52) 319. Vide Accounts, (17.)
15. Bidwell, Marshall Spring:--For correspondence since His Excellency's Assumption of the Government respecting his case. Notice of Motion, 164. Motion, (29) 210. Vide Accounts, (18.)
16. Blanchette, Prudent:--For copy of trial and conviction of, at New Carlisle, (37) 250.
17. Canadian Corn:--For copies of all despatches and communications with the Home Government, relating to the Canada Corn Law, and British

- Possessions Act, since 2 March 1842, (20) 160. Vide Accounts, (23.)
18. Church Societies:--To transmit Bill Incorporating Church Societies of Dioceses of Quebec and Toronto, to be laid before the Imperial Parliament, (188) 1133-1134. His Excellency will answer by Message, (192) 1146. Answer, (206) 1194.
 19. Civil List:--For all information and correspondence since last Session with Her Majesty's Government, on the reduction of the Civil List, &c., of this Province. Notice of Motion, 70. Motion, (20) 160. Vide Accounts, (25, 26.)
 20. Contingencies:--For warrant in favour of the Clerk of the House, for the sum of £3578 9 7 3/4, and of £5000 currency, (62) 380. Answer, (77) 468.
 21. Contingencies:--For warrant in favour of the Clerk of the House, for the sum of £9177 5 0 currency, (186) 1108-1109. His Excellency will take the Address into His consideration, (192) 1146. Answer, (195) 1159.
 22. Copy Rights:--Vide Addresses, (3.)
 23. Court of Chancery:--For copy of report of Commission of Inquiry into said Court in Upper Canada, (67) 417-418.
 24. Customs:--For Return of Harbour and Port dues, for the years commencing 1 January 1836, and ending 1 January 1843, for the Port of Toronto, (66) 397. Vide Accounts, (30.)
 25. Customs:--For Papers &c., relating to the dismissal of William Moore Kelly from the situation of Collector of Customs at the Port of Toronto, (102) 692. Vide Accounts, (32.)
 26. Executive Council:--For copies of communications that have passed between His Excellency and those Members of the late Executive Council, who have tendered him their resignation, (175-176) 1043. His Excellency will answer by Message, (177) 1049. Answer, (181-183) 1063-1068. Vide Accounts, (38.)
 27. Executive Council:--Address moved representing to His Excellency the sense of the House, on the subject of the above resignation, (184) 1072-1103. Motion to postpone the debate thereon, negatived, on division; Motion to postpone the debate carried, on division, (184) 1103. Debate resumed, (186) 1110. Amendments to the Address moved and negatived, (186-187) 1110-1131. Address carried, on division, (187) 1131. An addition to the Address moved, (187) 1131-1132. Mr. Speaker decides the same to be out of Order; The House divides and negatives Mr. Speaker's decision, (187) 1132. Motion carried, on division, (188) 1132-1133. Committee appointed to draft the Address, (188) 1133. Address reported and agreed to, (188) 1133-1134. To be engrossed, on division; Members to present the Address, (188) 1134. His Excellency will answer by Message, (191) 1144-1145. Answer, (195) 1160.
 28. Executive Council:--Address moved on the formation of new Administration, (198) 1170-1171. Consideration postponed; Proposed Address ordered printed, (198) 1170-1171. Motion considered, (204-205) 1187-1192.
 29. Fines and Forfeitures:--For Statement of, at the several Courts, in 1842, and of Fines imposed by Justices, &c., (76) 463-464.

30. General Elections, Lower Canada:--For correspondence between Provincial Government and Mr. Nicholas Fulham, or of any other person or persons, concerning the manner in which the said Election was conducted, and the fixing the places of Election, (85) 528. Vide Accounts, (41.)
31. Gourlay, Robert Fleming:--That His Excellency will be pleased to adopt some means of conveying to Robert Fleming Gourlay, the opinion of this House on his case, &c., (194) 1155. Answer, (205) 1193.
32. Government Offices:--For names of all who have received such since the Union, with the salary of each. Notice of Motion, 70.
33. Hastings Election:--For information relating to the delay in issuing writ for such, 549. Withdrawn Motion, 549.
34. Indian Lands:--For copies of two Petitions: One from James Little, and others, and one from the Chiefs and Sachems of Six Nations Indians, relating thereto, (114) 750. Vide Accounts, (42.)
35. Land Granting:--For return of Agents and others employed by Commissioner of Crown Lands during and subsequent to 1840, &c., (76) 462. Vide Accounts, (45.)
36. Lunatic Asylums:--For accounts of the temporary Lunatic Asylums, at Toronto, Montreal and Quebec, together with other sundry information, and also for all correspondence connected with their management, (66) 398.
37. Magistrates' Convictions, Fines, &c.:--For returns of the same. Notice of Motion, 512.
38. Marriage Licenses:--For copy of the Minute or Minutes of the Executive Council, on the Report of the Inspector General on the disposition thereof, (135) 860. Vide Accounts, (51.)
39. Post Office Department:--For correspondence between the House and Provincial Government relative to, in this Province; in British North America; and of the United States of America, &c., (51) 316.
40. Public Departments:--For return of names of persons holding situations therein, in Upper and Lower Canada, on and since 1 January 1838, (108) 720.
41. Public Officers' Fees:--For average amount received, 512-513. Withdrawn Motion, 513.
42. Salmon Fisheries, Gaspé:--To appoint one or more Commissioners to obtain information respecting said Fisheries; and also that His Excellency will communicate with the Government of New Brunswick for mutual protection, (193) 1151. Answer, (195) 1159.
43. Seat of Government:--For copy of all communications between the Executive Government and Her Majesty's Government relative thereto, or such parts thereof, or other information on the same subject, as he may feel himself at liberty to communicate. Notice of Motion, 34. Motion, (12) 106. Printed; (28) 204. Vide Accounts, (65.)
44. Seat of Government:--For a Statement of the Expenses attending the removal thereof. Notice of Motion, 70.
45. Speaker, Legislative Council:--That His Excellency do issue his Warrant for £250 as a Sessional allowance to said Speaker for the present Session, (207) 1199-1200. Committee to present Address, (207) 1200. Answer thereto, (207) 1204.

46. Speech:--Thanking His Excellency for His Gracious Speech at the opening of the Session, resolved on, (9-10) 45-57. Committee appointed to draft an Address in conformity to the Resolution, (10) 57. Address reported and agreed to, (11-12) 77-104. To be presented by the whole House; Executive Councillors to know His Excellency's pleasure when he will be attended; His Excellency appoints to be attended, (12) 104. His Excellency's answer, (13) 112.
47. Supply:--Transmitting Resolutions granting to Her Majesty the sum of £21,364 12 6 Currency, for the expenses of the Government from 1 January to 31 March 1844; and the sum of £1407 17 9 Sterling, to defray certain expenses of the Government for the year 1843, (191) 1143-1144. His Excellency will answer by Message, (195) 1158. Answer, (206) 1194-1195.

ADDRESSES, JOINT:--Vide Addresses, (2.)

ADMINISTRATION OF JUSTICE, GASPE:--Bill to establish the District of Gaspé, and to provide for the due Administration therein, presented and read, (20) 159. Order for second reading, (122) 790. Second reading; Referred, (138) 872. Reported, (148-149) 917. Bill committed, (149) 917. Considered, (167) 1004. Reported; To be engrossed, (169) 1013. Passed, (171) 1022-1023. By the Council, (184) 1071. Royal Assent, (209) 1208. (7 Vic., cap. 17.)

-----Vide also Accounts, (1.); Governor General, Messages From His Excellency, (3.)

ADMINISTRATION OF JUSTICE, LOWER CANADA:--Petition of Municipal Council, District of Kamouraska, for the Amendment of the Act relating thereto, (8) 38, (14) 116. Petition of Rev. J. Z. Carron, and others, Beauharnois, for repeal of Judicature Act, 4 & 5 Vic., cap. 20, (24) 180, (33) 230. Of Municipal Council, District of Rimouski, the same, (33) 230. Of John S. Bostwick, and others, County of Sherbrooke, for alteration in system of Judicature in District of St. Francis, (78) 481, (87) 552.

-----House resolves to go into Committee to consider of repealing certain parts and amending other parts, of the several Laws relating to the Judicature of Lower Canada; Considered, (19) 158. Resolution reported and agreed to, (19) 158-159. Bill to amend the Law relative to the Administration of Justice in Lower Canada. Notice of Motion, 24. Bill presented and read, (19) 159. Second reading, (49) 302-303. Referred to Special Committee, (49-50) 303. Instruction to inquire of adding the Criminal Jurisdiction to Court of Queen's Bench, for District of St. Francis, (50) 303. Petition of E. J. Briggs, also referred, (62) 379. Report Bill and Report; Bill committed, (74) 454. Considered, (103) 695-696. Referred back to Special Committee, (112) 742. Again reported; Bill committed, (120) 775. Considered, (121) 783. Reported; To be engrossed, (122) 790. Third reading; Bill recommitted, (126) 805. Considered, (126) 805-806. Reported; To be engrossed, (126) 807. Passed, on division, (130) 822-823. By the Council with Amendments, (168) 1007. To be taken into consideration, (168) 1009-1010. Vide Questions Negatived, (25.) Considered,

(168-169) 1010-1012. Consideration of fourth Amendment in three months, (176) 1045.

- Bill to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the Administration of Justice in Lower Canada, presented and read; Second reading; Committed, on division; Considered; Reported; To be engrossed, (175) 1032. Passed, (177) 1048. By the Council, (184) 1070. Royal Assent, (209) 1208. (7 Vic., cap. 16.)
- Petition of Members of the Bar, District of Quebec, for Amendments in the Bill before the House, (171) 1022, (180) 1062.

ADMINISTRATION OF JUSTICE, UPPER CANADA:--Special Committee appointed to enquire into the amount of Fees and Emoluments of the Officers connected therewith, and paid out of the District Funds, to report from time to time, (41) 269-270. Petition of Andrew Dickson, Sheriff, District of Bathurst, also referred, (131) 825.

ADVERSE CLAIMS:--Bill to enable Courts of Law, to give relief thereon, presented and read, (37) 252. Second reading; Committed; Considered, (60) 370. Reported, (60) 370-371. To be engrossed, (60) 371. Passed, (61) 378. By the Council, (131) 825. Royal Assent, (209) 1209. (7 Vic., cap. 30.)

AGRICULTURAL PROTECTION:--Vide Duty On Imports.

AGRICULTURE:--Petition of A. Simpson and other Agriculturists, of Quebec, that the "Quebec Turnpike Act" be amended to allow Carts with manure to pass free of Toll, (7) 29, (9) 42. Referred, with Instruction to consider of extending the same exemption to the whole Province, (9) 42. Report; Committed, (65) 396-397. Considered; Resolution reported and agreed to, (70) 426. Vide Toll Exemption.

-----Motion for a Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

-----A Select Committee appointed to consider the best mode of granting aid for encouragement to Agriculture, (76) 462. Two Members added to the Committee, (122) 790.

-----Petition of Agricultural Society, Fourth Riding, County of York, for alteration in distribution of moneys, granted in aid of such Societies, (33) 230, (39) 263.

ALEXANDER, ALBERT GEORGE:--Petition of, to be naturalized, (33) 229, (39) 263. Referred, (74) 454. Report, (88) 555. Vide Morgan, Cyprian, Of Johnstown District.

ALFRED AND PLANTAGENET:--Motion to introduce a Bill to annex the same to the County of Russell, negatived, (198) 1171.

ALIENS:--Petition of Joseph Donegani of Montreal, Merchant, that the Act of Lower Canada, 1 Will. 4, cap. 53, respecting Aliens, be confirmed, (126) 805, (134) 856. Referred, and Committee to report from time to time, (134) 856.

AMNESTY, GENERAL:--Bill demanding such. Notice of Motion, 70.

-----Vide also Addresses, (5.)

ANATOMY:--Petition of Medical Board, Montreal, for an Act to regulate and facilitate the Study of Anatomy, (13) 112; (21) 169. Referred, (22) 171. Report; Agreed to, (30) 217-218. Bill to regulate and facilitate the Study of Anatomy, presented and read, (30) 218. Second reading, (76) 464. Committed, on division, (76) 464-465. Considered, (77) 465-467. Vide Questions Negatived, (11.) Bill referred to Special Committee, (77) 467. Reported; Committed, (178) 1051. Considered; Reported; To be engrossed, (202) 1180. Passed, (203) 1182. By the Council, (208) 1207. Royal Assent, (208) 1207. (7 Vic., cap. 5.)

APPEALS:--Vide Court Of Appeals; Summary Convictions.

APPOINTMENT TO OFFICE:--Vide Accounts, (2.); Addresses, (7.)

ARREARS OF TAXES:--Vide Taxes.

ASSESSMENT:--Petition of Municipal Council, Wellington District, for Amendments in laws relating to Assessments on Land, (42) 277, (53) 335.

-----Bill to establish a more equal and just system of Assessment in Townships, in Upper Canada, presented and read, (83) 494-495. Second reading, on division, (133) 831-851. Vide Questions Negatived, (20.) Committed, (133) 851. Petition of Board of Trade, Toronto, referred to said Committee, (148) 916. Considered, (153) 944. Petition of Municipal Council, District of Talbot, also referred, (198) 1170. Vide Questions Negatived, (40.)

-----Petitions against the Bill: Board of Trade, Toronto, (140) 878, (148) 916. (Supra.) Of Municipal Council, Home District, (152) 928, (166) 1001. Of Municipal Council, Talbot District, (188) 1137, (198) 1170. (Supra.)

-----Vide also Accounts, (4.); Addresses, (8.); Assessors.

ASSESSORS:--Petition of Curtis Goodsell, and others, District of St. Johns, for remuneration for Services, (36) 245, (42) 279.

-----Petition of Municipal Council, Western District, to enable Assessors to verify their Assessment Rolls, (70) 429, (76) 461.

-----Vide also Census.

ASSURANCE COMPANIES:--Statement of their affairs ordered, (23) 176. Vide Accounts, (5, 6, 7.)

ASYLUMS:--Vide Charitable Institutions; Lunatic Asylums.

AUCTIONEERS:--Petition of H. Graham, and others, District of Bathurst, that a tax be imposed upon certain Merchants, who carry on the trade of Auctioneers, (153) 948, (166) 1002.

B

BANKRUPT COMMISSIONERS:--Vide Accounts, (8.); Addresses, (9.)

BANKRUPT LAW:--Notice of Question as to Ministers' intentions to alter or repeal the Ordinance of Lower Canada, 34. Question; Answer, 71.

-----Bill to repeal an Ordinance of Lower Canada concerning Bankrupts, and to make provision for the same in Canada, brought from the Council, (108) 718. Read, (108) 719. Printed, (109) 721. Ordered for second reading, (114) 751. Second reading; Referred, (151) 923. Petition of Board of Trade, Toronto, also referred, (178) 1050-1051. A Member added to the Committee, and Five to be a Quorum, (185) 1106. Bill reported amended and agreed to, (194-195) 1157-1158. Amendments to be engrossed, (195) 1158. Bill as amended, read third time, (196) 1162. Passed, (196) 1163. Message to the Legislative Council to return the Bill, being sent by mistake, (196) 1163. Bill returned, (198-199) 1171. Re-Committed, (199) 1171. Amended; Amendments to be engrossed, (199) 1172. Bill as amended again read and passed, (200) 1174-1175. Amendments agreed to by the Legislative Council, (202) 1181. Royal Assent, (208) 1207. (7 Vic., cap. 10.)

BANKS:--Statement of their Accounts ordered, (23) 176. Vide Accounts, (12.)

-----Vide also Accounts, (9, 10, 11.); Addresses, (10.); Montreal Bank; Niagara District Bank.

-----Question regarding repeal of double security clause in Bank Charters; Answer, 356.

-----Bill to authorize Chartered Banks to open Books for the transfer of Stock in the United Kingdom, presented and read, (103) 701-702. Committed, (125) 800. Second reading; Referred, (179) 1056. Reported, (194) 1155-1156. Committed, (194) 1156. Considered; Reported; To be engrossed, (199) 1173. Passed, (201) 1178. By the Council with Amendments, (206) 1193. Amendments considered and agreed to, (206) 1195-1196. Royal Assent, (210) 1210. (7 Vic., cap. 62.)

-----Bill to relieve certain Banks from liability beyond the amount of Shares subscribed. Notice of Motion, 697. Bill presented and read, (104) 702. Order for second reading, (121) 778-779. Second reading; Committed, (121) 782. Vide Questions Negatived, (17.) Considered, (139) 874. Reported, (142-143) 888. To be engrossed, on division, (143) 888-890. To be read the third time in six months, on division, (147) 910-913. Vide Questions Negatived, (23.)

BANQUE DU PEUPLE:--Petition of L. M. Viger, and others, of the City of Montreal, for an Act of Incorporation, (35) 245, (42) 278. Referred, (43) 282. Report, (65) 395. Bill presented and read, (68) 420. Second reading; Referred, (112) 739. Reported; Committed, (127-128) 812. Considered, (139) 874-875. Reported; To be engrossed, (139) 875. Passed, (140) 878. By the Council, (148) 915. Reserved for Her Majesty's Pleasure, (210) 1210.

BAPTISMS, MARRIAGES, AND BURIALS:--Vide Accounts, (13.)

BARBIER, JACQUES ADRIEN PIERRE, AND WIFE:--Petition of, to be naturalized, (36) 246, (43) 280. Referred, (57) 361. Report, (65) 396. Bill presented and read, (82) 492. Second reading; Referred, (115) 756. Reported; To be engrossed, (148) 917. Passed, (152) 928. Council require the documents upon which the Bill is founded, (168) 1007. Answer will be sent by Message, (168) 1007. Answer sent, (175) 1032.

BASTARD SUGAR:--Petitions that a part of the duty exacted on said Sugar be refunded: Of Messrs. Gillespie, Moffatt & Co., and others, of Montreal, (64) 392, (71) 430. Of James G. Heath & Co., and Shaw and Torrance, of Quebec, (79) 482, (87) 553. Petitions referred, (87) 554-555. Also Return to Address of 6 November 1843, referred, (129) 816. Report, (140-141) 880-883. Committed, (141) 883. Considered, (164) 995.

-----Vide also Accounts, (14.); Addresses, (11.)

BEAUHARNOIS CANAL:--Petitions for compensation for losses by outrages on said Canal: Of Eden Colville, Agent, (17) 150, (24) 181. Of Eden Colville, and others, of the Parishes of St. Clement and St. Timothé de Beauharnois, (61) 376, (64) 394. Of Donald A. McDonald, Trader on said Canal, (35) 245, (42) 278.

-----Vide also Accounts, (15, 16, 17.); Addresses, (12, 13, 14.)

BEAUHARNOIS COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess.

BELL, AENEAS:--Petition of, for remuneration as Keeper of the Parliament House in Toronto, (13) 113, (22) 170.

BELL, JULIA:--Petition of, for remuneration as Keeper of the late House of Assembly in Upper Canada, (33) 230, (39) 263.

BEVERLY TOWNSHIP:--Vide Boundary Lines.

BIDWELL, MARSHALL SPRING:--Vide Accounts, (18.); Addresses, (15.)

BILLS FROM THE LEGISLATIVE COUNCIL:--Vide Bankrupt Law; Forms Of Enactment; Legislative Council.

BILLS, PRIVATE, STANDING COMMITTEE ON:--Motion for a Special Committee to prepare list of Members for a Standing Committee on Private Bills, (18) 153-154. Amendment, (18) 154-156. Amendment carried, on division, (19) 156. Amended Motion passed, on division, (19) 156-157. Standing Committee appointed, (34) 233. Petitions referred: Of Alexander Fraser, to levy toll on Bridge over the River Boyer, (36) 247. Of Lying-in Hospital, Montreal, (43) 281. Of the Rev. Jean Romuald Paré, of the Parish of St. Jacques de l'Achigan, to incorporate a Convent in said Parish; of Thomas A. Corbett, and others,

to incorporate a Trust and Loan Company; of L. M. Viger, to incorporate the Banque du Peuple, Montreal, (43) 282. Of Hon. Adam Ferrie, to collect debts for Canada Inland Insurance Company; of James Morton, and others, to incorporate Kingston Mineral Wells Company, (44) 282. Of H. St. Germain and J. G. Laviolette, to build a Bridge over the River Jesus, (54) 336. Of Mercantile Library Association, Montreal; of Kingston Marine Railway Company; of Jacques Adrien Pierre Barbier, and Wife, for Act of Naturalization; of Minister, Elders and Trustees of St. Paul's Church, Montreal, to be incorporated; of Eden Colville, for further powers to the North American Colonial Association, (57) 361. Of George Adams, and others, for extension of time for paying in the Capital Stock in Bank of Niagara, (79) 483-484. Of Hon. Samuel Bealey Harrison, to practise in Courts of Common Law and Chancery, (87) 554. Of Benjamin Esty, and others, against the Petition of H. St. Germain and J. G. Laviolette, (106) 713. Bill to incorporate Gaspé Fishing and Mining Company, also referred, (72) 438.

-----FIRST REPORT: Lying-in Hospital in Montreal, (50-51) 314-315. Two Members added, (57) 362. Rule respecting Private Bills extended, (57) 362. SECOND REPORT: Petition of L. M. Viger, and others; Petition of Rev. Jean Romuald Paré; Petition of Mercantile Library Association, Montreal; Petition of Jacques Adrien Pierre Barbier, and Wife. A Member dissenting, (65) 395-397. THIRD REPORT: Petition of James Morton, and others, (79) 484. Petition of Kingston Marine Railway Company, (79-80) 484-485. Petition of Hon. Adam Ferrie, (80) 485. FOURTH REPORT: Petition of Eden Colville, (80) 485-486, (80-81) 486-489. Petition of Thomas A. Corbett, and others, (80) 486. Committee discharged from the consideration of the Petition of Minister, Elders and Trustees of St. Paul's Church, Montreal, (82) 491. Rule for receiving reports further extended, (82) 491. FIFTH REPORT: Petition of George Adams, and others, (84) 525-526. A Member added in the room of one who has vacated his Seat, (86) 545. SIXTH REPORT: Gaspé Fishing and Mining Bill, (87) 555. SEVENTH REPORT: Petition of Hon. Samuel Bealey Harrison, (92) 664. Rule for receiving Reports further extended, (102) 692. EIGHTH REPORT: Petition of Alexander Fraser, (110) 735. NINTH REPORT: Petition of H. St. Germain and J. G. Laviolette; Petition of Benjamin Esty, and others, (120) 774-775. Fourth Report to be printed, (147) 907.

BILLS, PUBLIC AND PRIVATE:--Vide Absconding Debtors; Administration Of Justice, Gaspé; Administration Of Justice, Lower Canada; Adverse Claims; Anatomy; Assessment; Bankrupt Law; Banks; Banque Du Peuple; Barbier, Jacques Adrien Pierre, And Wife; Bishop Of Montreal; Boundary Line Commissioners; Boundary Lines; Boyer River Bridge; Caldwell Estate; Canada Inland Forwarding Company; Cataragui Bridge; Census; Charitable Institutions; Church Society, Diocese Of Quebec; Collegiate Institutions; Convent, St. Jacques De L'Achigan; Coteau Du Lac Road; Counties Division; Court Of Appeals; Customs; Debtors Detention; District And Division Courts; Duty On Imports; Education And Schools; Fiefs Nazareth, St. Augustin And St. Joseph; Fish And Fisheries; Friendly Societies; Game Laws; Gaols And Court Houses; General Sessions;

Gore Of Chatham; Harrison, Hon. Samuel Bealey; Hawkesbury Township; Illegitimate Children; Imprisonment For Debt; Independence Of Judges; Industrial Farm; Intestate Estates; Isle Bizare; Juries; Justices' Oath Administration; Kingston Marine Railway; Kingston Mineral Wells; La Congrégation De Notre Dame De Québec; Legislative Council; Lumber Trade; Mercantile Library Association; Montreal Bank; Montreal Water Works; Morgan, Cyprian, Of Johnstown District; Municipalities, Canada West; Navigation; Niagara Bank; Niagara Canal Company; Niagara Market; North American Colonial Association Of Ireland; Notarial Profession; Obstructions In Rivers; Ordnance Department; Ottawa District; Party Processions; Police; Process Of Sheriffs And Coroners; Proof Of Laws; Provincial Parliament; Public Accounts; Public Meetings; Public Officers' Commissions; Quarter Sessions; Quebec District Education Society; Quebec Seminary; Real Estate Relief; Registration; Religious Societies; Roman Catholic Churches; Secret Societies; Small Causes, Lower Canada; Small Causes, Upper Canada; Steam Boats; Surveying; Tay Navigation Act; Temporalities Of Church Of Scotland; Toll Exemption; Welland Canal; Wild Animals; Zorra Township.

BISHOP OF MONTREAL:--Bill to confer certain powers on, for the transfer of certain Lands, presented and read, (135) 860-861. Second reading; Referred, (151) 923. Reported; To be engrossed; Passed, (195) 1158. By the Council with Amendments, (202) 1181. Amendments considered and agreed to, (204) 1186-1187. Royal Assent, (209) 1210. (7 Vic., cap. 48.)

BLANCHARD, REV. ABIJAH, D. D.:--Petition of, to be naturalized, (50) 313, (57) 360. Referred, (74) 454. Report, (88) 555.

-----Petition of J. B. Clendennan, and others, for the naturalization of Rev. Blanchard, (50) 313, (57) 360. Referred, (74) 454. Vide Morgan, Cyprian, Of Johnstown District.

BLANCHETTE, PRUDENT:--Vide Addresses, (16.)

BOARD OF WORKS:--Vide Accounts, (19.)

BONDS AND SECURITIES:--Vide Accounts, (20.); Speaker.

BONNER, JOHN, AND WILLIAM PETRY:--Petition of, that the investigation on their Petition during the last Session may be continued and brought to a close, (11) 77, (18) 152.

BOOTS AND SHOES:--Vide Duty On Imports.

BOUCHETTE, JOSEPH:--Petition of, to publish his Map of Canada, (36) 245, (42) 279.

BOUNDARY LINE COMMISSIONERS:--Petition of George Rykert, and others, of the Niagara District, for a summary mode to recover costs and expenses incurred by the Commissioners under the Act of 1 Vic., cap. 19, (8) 38, (14) 116. Petition of William Ketchison ((or Ketcheson)), Jr.,

and others, of the Victoria District, the same, (24) 180, (33) 231. (Infra.) Petitions, again referred, (35) 240. The Petition of Mrs. Prudence Richardson, also referred, (43) 281-282. Also the Petition of B. Hubbs, A. Campbell, and W. Rorke, of the District of Prince Edward, (54) 338-339. Report, (175) 1031.

-----House resolves to go into Committee to consider of amending the Act of Upper Canada, 1 Vic., cap. 19. Petition of George Rykert, and others, referred to the Committee, (31) 219. Also the Petition of William Ketchison ((or Ketcheson)), and others, (33) 232. Considered, (35) 239. Report, "Shall the Committee sit again," negatived, (35) 240.

-----Petition of William Ketchison ((or Ketcheson)), Jr., T. D. Appleby, and P. V. Elmore, Commissioners, to be relieved from heavy responsibilities by the expiration of the Act, (33) 229, (39) 263. Petition of Mrs. Prudence Richardson, for remuneration for loss sustained by her late husband under the Act, (38) 261, (43) 281. (Supra.) Petition of B. Hubbs, A. Campbell, and W. Rorke, Commissioners, of Prince Edward District, for a summary mode to recover Costs incurred under the Act, (42) 277, (53) 335. (Supra.)

-----Bill to afford Boundary Line Commissioners a more easy and less expensive mode of recovering Costs still due on Judgements by them rendered in that capacity, presented and read, (178) 1052. Second reading; To be engrossed, (192) 1150-1151. Passed, (193) 1154-1155. By the Council, (199) 1173. Royal Assent, (209) 1209.

BOUNDARY LINES:--Petition of Municipal Council, District of Niagara, that the Line between the said District and the District of Gore, through the Indian Reservation, be defined and established, (7) 28, (9) 40. (Infra.) Petition of Municipal Council, District of Gore, that the Line drawn by Commissioners between the Districts of Gore and Niagara be established, (32) 229, (39) 262.

-----House resolves to go into Committee to consider of amending the Act of Upper Canada, 56 Geo. 3, cap. 19, relating to the Boundary Line between the Niagara and Gore Districts; Petition of Municipal Council, Niagara District, on the same subject; Referred, (31) 219. Considered; Resolution reported, and agreed to, (60) 371. Passed, (70) 429. By the Council, (110) 733. Royal Assent, (209) 1209. (7 Vic., cap. 40.)

-----Petition of Adam Johnston, and others, of the Third Concession of Cornwall, in the Eastern District, that the line run by Mr. McCarty be established by Law, as the Eastern Boundary of the said Concession, (7) 37, (13) 113. Referred, (18) 152. Report; Committed, (34) 234. Considered, (41) 271. Resolution reported to refer back the Report of Special Committee; Agreed to, (41-42) 271. A Member added to the Committee, (42) 271. Special Committee again report, (163) 974.

-----Bill for better defining and establishing the Eastern Boundary Line of the Third Concession of the Township of Cornwall, in the Eastern District, presented and read, (163) 974-975. Second reading; To be engrossed, (170) 1014. Passed, (171) 1022. By the Council, (184) 1070. Royal Assent, (209) 1209. (7 Vic., cap. 42.)

-----Bill to establish the Boundaries of Lots and Gores of Land in the 6th, 7th, 8th, 9th, and 10th Concessions in Township of Beverly, County of Halton, presented and read, (202) 1180.

-----Petition of Cumfort Curtis, and others, Township of Percy, that the Concession Line drawn by T. C. Dennehy be confirmed, (11) 77, (18) 152. Petition of Joseph Striker, and others, Township of Marysburg, that the Survey of Aitkins and Collins, in the first Concession of said Township, be confirmed, (17) 150, (24) 181-182.

BOYER RIVER BRIDGE:--Petition of Alexander Fraser, to continue to levy toll on said Bridge, (8) 38, (13) 114. Referred, (36) 247. Report, (110) 735. Bill to continue for a certain time the privileges granted to Alexis Gosselin and his Heirs and Assigns in respect to said Bridge, presented and read, (110-111) 735-736. Second reading; Committed; Considered, (129) 817. Reported; To be engrossed, (132) 828. Passed, (133) 854-855. By the Council, (144) 896. Royal Assent, (209) 1210. (7 Vic., cap. 56.)

BRENNAN, PATRICK, OF MONTREAL:--Petition of, to be relieved from the liabilities of a public Contract, (33) 229, (39) 263.

BRIDGES:--Vide Roads And Bridges.

BRITISH AMERICAN FIRE AND LIFE ASSURANCE:--Vide Accounts, (6.)

BRITISH AND CANADIAN SCHOOL:--Vide Education And Schools.

BRITISH POSSESSIONS ACT:--Vide Addresses, (17.)

BRITISH WEST INDIES:--Vide Duty On Imports.

BROCKVILLE ROAD:--Petition of Matthew Snyder, and others, complaining of unjust exaction of Tolls on said Road, and praying relief, (153) 948, (166) 1002.

C

CALDWELL ESTATES:--Bill for securing the Province against any loss on the Judicial Sale of certain parts of said Estate, presented and read, (12) 104. Second reading; Committed; Considered, (29) 211. Reported amended; To be engrossed, (32) 224. Passed, (33) 230. By the Council, (62) 380. Royal Assent, (130) 824. (7 Vic., cap. 26.)

CALEDONIA VILLAGE:--Petition of William Keroott ((or Keroot)), and others, that the Indian Surrender adjoining said village be parcelled into Farm lots of Five or Ten Acres each, (171) 1022, (180) 1062.

CALLS OF THE HOUSE:--Vide Legislative Assembly.

CANADA CORN:--Vide Accounts, (21, 22, 23.); Addresses, (17.)

CANADA CORN LAWS:--Motion for a Select Committee to consider all despatches and correspondence on; Withdrawn Motion, 310.

CANADA FIRE ASSURANCE:--Vide Accounts, (5.)

CANADA INLAND FORWARDING COMPANY:--Petition of Hon. Adam Ferrie, that he may be allowed to sue for debts, &c., in his capacity as Chairman of said Company, (13) 112, (21) 170. Referred, (44) 282. Report, (80) 485. Bill presented and read, (88) 555. Order for second reading, (136) 862. Second reading, (146) 906. Amended, (146) 905-906. To be engrossed, (146) 906. Passed, (147) 913. By the Council, (167) 1006. Royal Assent, (209) 1210. (7 Vic., cap. 59.)

CANADA LAND COMPANY:--Vide Taxation.

CANALS:--Vide Beauharnois Canal; Chambly Canal; Cornwall Canal; Lachine Canal; Niagara Canal Company.

CASUAL AND TERRITORIAL REVENUE:--Vide Accounts, (24.)

CATARAQUI BRIDGE:--Petition of President and Directors of, for certain Amendments in Acts of Incorporation, (24) 180, (33) 231. Referred, (34) 232. Report, (84) 525. Bill presented and read, (84) 525. Second reading; Committed; Considered, (104) 708. Reported; To be engrossed, (109) 722. Passed, (110) 734. By the Council, (127) 808. Royal Assent, (209) 1210. (7 Vic., cap. 60.)

-----Petition of William Hunt, and others, of Pittsburgh, against the Bill, (99) 683, (105) 712.

CAYUGA GLASS COMPANY:--Vide Glass.

CENSUS:--Petition of James Corbitt, and others, Assessors, that they may be remunerated for taking the Census in the Parish of Sorel, (10) 77, (17-18) 151. Petition of Amable Jetté, and others, the same, in the County of Leinster; and Petition of Joseph Ouellet, the same, for the County of Rimouski, (17) 150, (24) 181.

-----Bill for taking the Census of Lower Canada, and other statistical information. Notice of Motion, 24. Bill presented and read, (19) 158. Second reading; Committed; Considered, (29) 211. Reported; To be engrossed, (32) 224. Passed, (36) 246. By the Council with Amendments, (127) 808. Amendments considered, (134-135) 856-857. Agreed to, (135) 857. Royal Assent, (209) 1208. (7 Vic., cap. 24.)

CHAMBLY CANAL:--Petition of Joseph Bessette ((or Bessett)), and others, for relief from damage by leakage of said Canal, (30) 217, (36) 246.

CHAMBLY COLLEGE:--Petition of Rev. Pierre M. Mignault, Founder and Superior, for aid, (8) 39, (15) 119.

CHAMBLY COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Session.

CHAMBLY TURNPIKE:--Vide Toll Exemption.

CHAMPLAIN AND SAINT LAWRENCE RAIL ROAD:--Vide Accounts, (64.)

CHAMPLAIN COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess.

CHANCERY:--Vide Court Of Chancery.

CHANDLER, ALEXIS:--Petition of, to be naturalized, (67) 414, (74) 454. Referred, (76) 461. Report, (88) 555. Vide Morgan, Cyprian, Of Johnstown District.

CHARITABLE INSTITUTIONS:--Petition of Mrs. Elizabeth M. Reid, and others, Directresses of the Protestant Orphan Asylum, Montreal, for an Act of Incorporation, (8) 38, (13) 114. Referred, (17) 125-126. Report; Agreed to, (44) 283. Bill presented and read, (44) 284. Second reading; To be engrossed, (62) 381. Passed, (64) 393. By the Council, (89) 603. Royal Assent, (130) 824. (7 Vic., cap. 58.)

-----Petition of Ladies, Committee of Management of Lying-in Hospital, Montreal, for Act of Incorporation, (10) 77, (18) 151. Referred, (43) 281. Report, (50-51) 314-315. Bill presented and read, (51) 315. Second reading, (70) 424-425. To be engrossed, (70) 425. Passed, (70) 429. By the Council, (89) 603. Royal Assent, (131) 824. (7 Vic., cap. 53.)

-----Petitions for aid: Of Mrs. Elizabeth M. Reid, and other Directresses of the Protestant Orphan Asylum, Montreal, (8) 38, (13-14) 114. Of Miss Margaret Kerr, and others, Managers of Male Orphan Asylum of Quebec, (8) 39, (15) 119. Of Mrs. M. F. Viger, and other Directresses of the Catholic Orphan Asylum of Montreal, (8) 39, (15) 119.

-----Petition of the Hon. James Reid, and others, of Montreal, for aid to erect a building for a Charity School, (17) 150, (25) 182.

-----Petition of Mrs. M. G. P. Painchaud, and others, Directresses of the Charitable Association of Roman Catholic Ladies of Quebec, for aid, (24) 180, (33) 231.

-----Petition of Mrs. Susannah Smith, and others, Ladies of the Infant School, Quebec, for aid, (24) 180, (33) 231.

-----Petition of Rev. C. F. Cazeau, and others, Members of La Congrégation de Notre Dame, for an Act of Incorporation, (30) 217, (36) 247. Referred, (44) 282. Report, (76) 462. Vide La Congrégation De Notre Dame De Québec.

-----Petition of Protestant Female Orphan Asylum, Quebec, for aid, (38) 261, (43) 281.

-----Vide also Hospitals And Charitable Institutions; Houses Of Refuge.

CHARLESTON ACADEMY:--Petition of C. Jackson, and others, Trustees of said Academy, for aid, (21) 169, (25) 182.

CHISHOLM, GEORGE K., SERGEANT AT ARMS:--Petition of, for an increase of Salary, (61) 376, (65) 394.

CHURCH OF ENGLAND AND IRELAND:--Vide Temporalities Of Church Of England And Ireland.

CHURCH OF SCOTLAND:--Vide Temporalities Of Church Of Scotland.

CHURCH SOCIETY, DIOCESE OF QUEBEC:--Petition of Lord Bishop of Montreal, and others, for an Act of Incorporation, (110) 734, (115) 761. Referred, (116) 762. Report, (122) 788. Bill presented and read, (122) 788. Second reading; Referred, (136) 863. Petition of Venerable Archdeacon George Okill Stuart, and others, (153) 948. Latter Petition also referred, (154) 949. Reported; Committed, (167) 1003. Considered; Reported; To be engrossed, (176) 1045. Passed, New Title, (177) 1049. By the Council, (184) 1070. Reserved for Her Majesty's Pleasure, (210) 1210. Vide Addresses, (18.)

CHURCHES:--Vide Roman Catholic Churches; St. Paul's Church, Montreal; Temporalities Of Church Of England And Ireland; Temporalities Of Church Of Scotland.

CIRCUIT COURT:--Petition of John Morris, and others, of St. Jerome, and other Parishes, that the said Court be held at St. Thérèse rather than at Terrebonne, (140) 878, (148) 916.

CIVIL LIST:--Eight Resolutions proposed on the subject of the Civil List, as contained in the Act of the Imperial Parliament, called "The Union Act"; Consideration thereof postponed, (190-191) 1140-1143. Considered; The first to fourth agreed to, (197) 1164. Amendment to fifth negatived, on division, (197) 1164-1165. Fifth agreed to; Sixth, passed unanimously in the negative; Seventh agreed to; Eighth passed unanimously in the negative, (197) 1165. Another Resolution proposed on the subject of the Office of Chief or Civil Secretary; Postponement of the Resolution carried, on division, (197) 1165-1166. Special Committee to draft an Address to Her Majesty, (197-198) 1167.

-----Vide also Accounts, (25, 26.); Addresses, (4, 19.); Governor General, Messages From His Excellency, (8.); Salaries Of Civil Officers.

CLAIMS:--Vide Adverse Claims; Claims For Losses.

CLAIMS FOR LOSSES:--Petitions of Jean Baptiste Miville de Chêne, of the Island of Orléans, for indemnity for the loss of a vessel chartered to Government, (8) 38, (13) 114. Of Damase Masson, of Montreal, for loss occasioned by the rebels and Her Majesty's Troops, in 1838, (11) 77, (18) 151. Of J. Lefebvre de Bellefeuille, of St. Eustache, for burning Church and Convent in said Parish, during the Rebellion, (17) 150, (24) 181. Of J. B. Laviolette ((or LaViolette)), for losses during the Rebellion, (30) 217, (36) 247. Of John G. Lansing, and others, for losses by Incendiarism, (32) 229, (38) 261-262. Of Robert

Barclay, and others, Stone Masons, Kingston, for loss by non-fulfillment of a Public Contract during the Rebellion, (33) 229, (39) 263. Of Christophe Lauzon, and others, Parishes of St. Rose, &c., for loss for arms seized by Government, (36) 245, (42) 278-279. Of Joseph Laurin, Attorney for certain Militia Claims, for services during the late War, (36) 245, (42) 279. Of William Phillips, and others, of Quebec, for loss, by Her Majesty's Troops, of William Nelson's property at St. Denis in 1837, (36) 245, (43) 279. Of Ignace Razienne ((or Raizenne)), of St. Benoit, for loss, by Her Majesty's Troops, of his property in 1837, (36) 246, (43) 279-280. Of Rev. Pierre Ménard, and others, of St. Benoit, for loss of a building for Divine worship, destroyed in 1837, (38) 261, (43) 280-281. Of William Henry Roy, and others, for services during the late War, (42) 277, (53) 335. Of Francis Maine, and others, of Foucault, for losses during the late troubles, (53) 334, (62) 379. Of William and George Portt, of Tyendinaga, for loss through political Incendiarism, (61) 376, (65) 394. (Infra.) Of Hon. James Crooks, for loss for vessel illegally seized by the United States in 1812, (73) 453, (79) 483. Vide Questions Negatived, (18.) Of Major Smith and Henry Mosher, for losses in 1838, (99) 683, (105) 711. Of Major Smith, and others, of Johnstown, for losses by Incendiarism in 1838, (105) 711, (113) 747. (Infra.) Of Congregation of Trinity Church, Chippewa, for loss of said Church by Incendiarism, (139) 878, (148) 916.

-----Vide also Beauharnois Canal; McElheran, Jane; Young, John, And Others.

CLAIMS FOR LOSSES ACT:--Petition of John A. Wilkinson, and others, Western District, that the said Act be carried into effect, (53) 334, (61) 378. (Infra.)

-----A Select Committee appointed to ascertain what plan can be devised to satisfy the claims of Individuals from losses during the late Rebellion and invasion of Upper Canada, and for carrying into effect certain Acts therefore, (102-103) 692-694. Two Members added to Committee, (103) 702. Petitions of John A. Wilkinson, and of William and George Portt, referred, (106) 713. Also, Petition of Major Smith, and others, referred, (116) 762.

CLARENCEVILLE ACADEMY:--Petition of A. C. Chapman, and others, for aid, (53) 334, (62) 379.

CLAUSES:--Added by way of Ryders or Amendments to Bills. Vide Bankrupt Law; Canada Inland Forwarding Company; Customs; Education And Schools; Municipalities, Canada West; Toll Exemption.

CLERGY RESERVES:--Petition of Francis Evans, and others, District of Talbot, that a certain Clergy Reserve be sold for public purposes, (70) 429, (76) 461. Referred, (193) 1155.

CLERK OF THE CROWN IN CHANCERY:--Certificates of Returns of Members: Fourth Riding, County of York, (1) 1. County of Port Neuf; Third

Riding, County of York, (1) 2. Second Riding, County of York, (1) 3. County of Beauharnois, (2) 3. County of Saguenay, (2) 3-4. County of Rimouski, (2) 4. City of Toronto, (2) 4-5. County of Champlain; City of Quebec, (2) 5. County of Russell, (3) 6-7. County of Hastings (Special), (3) 7-9. County of Rouville, (7) 37. County of Chambly, (75) 460. County of Montreal, (78) 481. County of Hastings, (103) 700. City of Montreal, (166) 1000-1001.
 -----To attend with Return of Writ for County of Hastings, (4) 12.
 Attended, (4) 12-16.

CLERK OF THE HOUSE:--To direct the Printers to mark on the back of each Paper printed, the number of Sheets contained therein, (47) 293.
 -----Vide also Addresses, (20, 21.); Murney, Edmund.

COLLECTORS:--Vide Accounts, (27, 32.)

COLLEGES:--Vide Chambly College; Collegiate Institutions; Diocesan College, Quebec; King's And Upper Canada College; L'Assomption College; McGill College; St. Thérèse College.

COLLEGIATE INSTITUTIONS:--Vide King's And Upper Canada College; McGill College.

-----House resolves to go into Committee, to consider of amending certain Acts of Upper Canada, relative to King's College, and other Collegiate Institutions in Upper Canada; Considered; Resolution reported, (37) 251. Agreed to, (37) 251-252. Bill presented and read, (37) 252. Second reading postponed, (103) 701. King's College Council, in pursuance of their Petition, to be heard at the Bar of the House, on the Bill, (108) 719. Second reading postponed, (128) 812-813, (151) 922. Second reading, (164) 976. Petition of Bishop of Toronto read; Counsel heard, (164) 976. Debate thereon, (164) 976-993. Adjourned, (164) 993, (167) 1003-1004.

-----Petitions in favour of the Bill: Of John Goodwin, and others, Baptists, of Beamsville, (36) 246, (43) 280. Of Members of Executive Committee, of Baptist Union, (38) 261, (43) 281. Of Jacob Beam, and others, District of Niagara, (42) 277, (53) 335. Of William Millar, and others, Port Sarnia, (64) 392, (71) 431. Of William Fraser, and others, County of Glengarry, (67) 414, (74) 454. Of Rev. Thomas Alexander, and others, of Cobourg, (73) 453, (79) 483. Of Jacob Price, and others, District of Niagara; of Thomas McDonald, and others, of St. Catharines, (79) 482, (87) 553. Of Rev. Donald MacKenzie ((or McKenzie)), and others, District of Brock; of Rev. Alexander C. McColl, and others, District of London, (86) 552, (91) 663. Of A. Dingwall Fordyce, and others, District of Wellington, (86) 552, (92) 664. Of W. T. Cameron, and others, Town of Niagara, (86) 552, (102) 690. Of Hugh Urquhart, and others, Town of Cornwall; of Thomas Webb, and others, District of Niagara, (88) 602, (102) 690. Of Hugh Campbell, and others, District of Brock; of William Barker, and others, Village of Paris, (91) 662, (102) 691. Of Rev. A. Gale, and others, Town of Hamilton, (99) 683, (105) 711. Of Rev. David Black, and others, of

St. Thérèse de Blainville, (99) 683, (105) 712. Of G. R. Lownsbury, and others, District of Simcoe, (115) 761, (127) 806. Of Dugald Sinclair, and others, District of London; of George Millar, and others, Township of Toronto, (130) 822, (138) 867. Of Thomas Moore, and others, District of Prince Edward, (140) 878, (148) 916. Of James Wylie, and others, District of Bathurst, (153) 948, (166) 1002. Of John Scholfield ((or Scolfield)), and others, District of Niagara; of Rev. John M. Rogers, and others, District of Colborne, (166) 1001, (174) 1023.

-----Petitions against the Bill: Of King's College Council, (99) 683, (105) 711. To be heard at the Bar of the House, (108) 719. (Supra.) Of the Bishop of Toronto, (99-102) 683-690, (102) 690.

COLONIAL ASSOCIATION:--Vide North American Colonial Association Of Ireland.

COLONIZATION:--Select Committee appointed to inquire into the best method of Colonization, and obtaining aid from the Imperial Parliament, &c., (85-86) 529-545.

COMMISSIONERS:--Vide Accounts, (1, 8, 16, 31, 43, 45, 47, 66, 67.);
Addresses, (9, 23, 32, 37.); Scott, Thomas.

COMMISSIONERS COURTS:--Petitions for the re-establishment thereof: Of Municipal Council, District of St. Hyacinthe, (7) 28, (8) 40. Of R. H. Whitmore, and others, of St. Armand, (11) 77, (18) 151-152. Of Rev. J. Z. Carron, and others, of Beauharnois, (24) 180, (33) 230. Of Municipal Council, District of Rimouski, (33) 230. Of Edmund Peel, and others, County of Stanstead, (30) 217, (36) 246. Last Petition referred. Vide Small Causes, Lower Canada. Of Paul Lussier, and others, District of Montreal, (42) 277, (53) 335. Of H. Robinson, and others, County of Shefford, (70) 429, (76) 461. Of P. P. Russell, and others, Parish of St. Armand, (133) 854, (140) 879.

COMMISSIONS OF PUBLIC OFFICERS:--Vide Public Officers' Commissions.

COMMITTEES OF THE WHOLE HOUSE:--Vide Questions Negatived, (4, 10, 12, 21, 22.)

COMMITTEES, STANDING:--A Select Committee, to prepare lists of Members to form Standing Committees, on various matters, and to report from time to time. Notice of Motion, 24. Motion, (18) 153-154. An Amendment to the Motion, (18) 154-156. Amendment carried, on division, (19) 156. Amended motion passed, on division, (19) 156-157. Select Committee appointed, (29) 205. Report, (34) 232-234. Vide Bills, Private; Contingencies; Expiring Laws; Printing; Privileges And Elections; Standing Orders.

-----Discharged from consideration of certain matters, (82) 491.

-----Special Committee appointed to inquire into the accommodation afforded within the Legislative Building, for the deliberation of the Committees of the House, &c., and to report from time to time,

(20) 162. Report, (28-29) 204-205. Committed; Considered, (29) 205. Again Considered, (32) 227. Agreed to, (35) 238.

COMMON SCHOOLS:--Vide Education And Schools.

COMMUTATION:--Vide Fiefs Nazareth, St. Augustin And St. Joseph.

CONCESSION LINES:--Vide Boundary Lines.

CONFERENCE:--Vide Religious Societies.

CONTINGENCIES:--Postage on all letters not exceeding one ounce in weight, and on printed Papers to and from Members, and Petitions enclosed, to be charged to the Contingencies of the House, (6) 20.

-----Amendment to Motion that Special Committee prepare list of Members for Standing Committee on, (18) 154-156. Amendment carried, on division, (19) 156. Amended Motion passed, on division, (19) 156-157. Standing Committee appointed, (34) 234. Subjects referred: Petition of George K. Chisholm, Sergeant at Arms, (65) 395. Petition of Guillaume D'Eschambault, (116) 762. Petition of Thaddeus Patrick, (189) 1553. Petition of William Ross, (193) 1154. FIRST REPORT: The Clerk's Accounts and Vouchers for the last Session and Recess. Committed, (44) 283. Considered, (61) 373. Two Resolutions reported and agreed to, (62) 380. Vide Addresses, (20.) SECOND REPORT: Indices to JOURNALS of Upper and Lower Canada, (68-69) 420-424. Committed, (72) 432. Order discharged, and the Report referred back, (78) 473. THIRD REPORT: Tradesmen's Accounts for present Session, (84) 524-525. Committed, (84) 525. Considered, (151) 925. Resolution reported and agreed to, (152) 929. FOURTH REPORT: Including re-consideration of Second Report, (106-107) 713-717. Printed; Committed, (107) 717. Considered, (137) 864. Report of Committee of whole re-committed, (142) 885-886. Further consideration postponed, (151) 925. Considered, (176) 1046. Nine Resolutions reported, (179) 1055-1056. The first eight agreed to; The Ninth amended, (179) 1056. FIFTH REPORT: Further advance for Contingencies. Committed; Considered, (183) 1069. Resolution reported, (186) 1108. Vide Addresses, (21.) SIXTH REPORT: Sergeant at Arms; Door Keeper. Committed, (189) 1138. Considered, (200) 1174. Three Resolutions reported and agreed to, (205) 1192. SEVENTH REPORT: Thaddeus Patrick; William Ross, (201) 1178.

CONVENT, ST. JACQUES DE L'ACHIGAN:--Petition of Rev. Jean Romuald Paré, that certain Religious Ladies may be incorporated, (35) 245, (42) 278. Referred, (43) 282. Report, (65) 395. Bill to incorporate Les Dames Religieuses du Sacré Coeur de Jésus, of St. Jacques de l'Achigan, presented and read, (111) 736. Second reading, (121) 782. Referred, (121) 782-783. Reported; To be engrossed, (128) 812. Passed, (133) 854. By the Council, (144) 896. Royal Assent, (209) 1210. (7 Vic., cap. 54.)

COPY RIGHTS ACT, (IMPERIAL):--Select Committee appointed to consider its

effects and consequent exclusion of American Reprints, (52) 319.
Report, (207-208) 1204. To be printed, (208) 1204.

-----House resolves to go into Committee to consider of Addressing Her Majesty on the subject of the duties payable on works issuing from the British Press, (85) 529. Considered, (104) 709, (112) 739. Five Resolutions reported and agreed to, (112) 739-741. Vide Addresses, (3.)

CORNWALL CANAL:--Vide Scott, Thomas.

COTEAU DU LAC ROAD:--Bill for opening a Road from Coteau du Lac to Dundas Street, presented and read, (86) 546. Order for second reading, (86) 546. Second reading postponed, (136) 862.

COUNTIES DIVISION:--Select Committee to investigate the better division of Upper Canada into Counties, appointed, (85) 527-528. Bill for the same presented and read, (122) 789. Second reading; Committed, (153) 943. Order read, (196) 1163. Motion to refer Petition of Duncan McLeod, and others, negatived, (196) 1163-1164. Bill Considered, (196-197) 1164. Reported; To be engrossed, (197) 1164. Passed, (201) 1178.

COURT OF APPEALS:--Bill for the establishment thereof, in Lower Canada. Notice of Motion, 24. Bill presented and read, (20) 159. Ordered for second reading, (122) 790. Second reading; Committed, (138) 868. Considered, (138) 868-872. Reported; To be engrossed, (138) 872. Passed, (140) 878. By the Council with Amendments, (163-164) 976. To be Considered; Considered and agreed to, (168) 1007-1009. Royal Assent, (209) 1208. (7 Vic., cap. 18.)

COURT OF CHANCERY:--Bill to make it permanent in Toronto. Notice of Motion, 241.

-----Vide also Addresses, (23.)

COURT OF QUEEN'S BENCH:--Bill to make it permanent in Toronto. Notice of Motion, 241.

COURTS:--Vide Administration Of Justice, Lower Canada; Circuit Court; Commissioners Courts; Court Of Appeals; Court Of Chancery; Courts Of Justice; Court Of Queen's Bench; District And Division Courts; General Sessions; Quarter Sessions; Small Causes, Lower Canada; Small Causes, Upper Canada.

COURTS OF JUSTICE:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

COZENS, JOSHUA Y.:--Petition of, for compensation for land purchased from the Six Nations Indians, and afterwards ceded to another person by the Government, (32) 229, (38) 262.

CROWN LANDS:--Vide Accounts, (45.); Addresses, (32.)

CUGGY, PATT ((OR PATE))--Petition of, for relief in consequence of a wound received in Her Majesty's Service, (99) 683, (105) 712.

CURRENCY--Vide Accounts, (10.)

CURRIE, DONALD--Petition of, for a superannuated allowance as a School-master, (17) 150, (24) 181.

CUSTOMS--Vide Accounts, (27, 28, 29, 30, 31, 32.); Addresses, (24, 25.)

-----House resolves to go into Committee to consider of repealing certain Act and Ordinances relating to the management and regulation of the Provincial Customs, &c.; Considered; Resolution reported and agreed to; Bill presented and read, (31) 221. Second reading, (38) 255-256. Committed; Considered; Reported; To be engrossed, (38) 256. Passed, (42) 278. Order for taking the Bill to Legislative Council rescinded, on division, (201-202) 1179.

-----Bill to provide for the management of the Customs, &c., presented and read, (37) 250. Order for second reading postponed, (75) 457-458. Second reading; Committed, (105) 709. Considered, (138) 872-873. To be engrossed, (142) 887. Vide Questions Negated, (22.) Ryder moved and negated, on third reading, (147-148) 913-914. Vide Questions Negated, (24.) Bill passed, on division, (148) 914-915. Order for taking the Bill to Legislative Council rescinded, on division, (208) 1205-1207.

CUSTOMS HOUSE--Petition of Benjamin Burland, Louis C. Vandal, and William Leggett, and others, of the port of St. John's, (36) 245, (43) 279. Petition of George Arnold, and others, of Quebec, that the building erected for the Customs House be so used, (36) 246, (43) 280.

CUSTOMS HOUSE EMPLOYEES--Petition of Andrew Patton, Land Waiter to Customs House in Stanstead, for salary increase, (30) 217, (36) 246. Petition of Robert Hoyle, Collector of Customs at Stanstead, for salary increase, (30) 217, (36) 247. Petition of Edward March, the same, (35) 245, (42) 278.

D

D'ESCHAMBAULT, GUILLAUME--Petition of, for compensation for services at the Election of O. Berthelot, Esq., in 1839, (110) 734, (116) 761. Referred, (116) 762.

DEBATES--Vide Reporting.

DEBT--Vide Insurance Of Debt.

DEBTORS--Petition of John Colvin, and others, District of Bathurst, for an Act to allow Debtors to take exercise in the Yards attached to the Gaols, (42) 277, (54) 336. Referred, (71) 432.

DEBTORS' DETENTION:--Bill to provide for the detention of Debtors in certain cases in Upper Canada, presented and read, (31) 221. Second reading; Committed, (52) 319. Order discharged and Bill referred to Special Committee, (70) 425.

-----Vide also Absconding Debtors; Imprisonment For Debt.

DELISLE, ALEXANDER MAURICE:--Vide Questions Negatived, (2.)

DESPATCHES:--Vide Accounts, (9, 10, 14, 21, 28, 53, 54, 60, 61, 69.)

DIOCESAN COLLEGE, QUEBEC:--Petition of Bishop of Montreal, for an Act to incorporate the said College, (24) 180, (33) 230. Referred, (33) 231-232. Report; Committed, (57) 361. Considered; Resolution reported and agreed to, (63) 387. Bill presented and read, (63) 387-388. Second reading, (78) 471-472. Referred, (78) 473. Reported; Committed, (120) 775. Considered, (139) 875. Reported; To be engrossed, (143) 890. Passed, (144) 895. By the Council, (163) 976. Royal Assent, (209) 1210. (7 Vic., cap. 49.)

DISTRICT AND DIVISION COURTS:--Petitions for the repeal of said Courts: Of George W. Fogg, and others, County of Stanstead, (11) 77, (18) 151. Of R. H. Whitmore, and others, of St. Armand, (11) 77, (18) 151-152. Petition of Rev. J. Durocher, and others, for repeal of District Court Act, (4 & 5 Vic., cap. 20), (36) 245, (43) 279. Of Paul Lussier, and others, District of Montreal, (42) 277, (53) 335. Petition of E. J. Briggs, and others, Missisquoi, that the jurisdiction of the District Court be increased, (53) 334, (62) 379. Last Petition referred, (62) 379. Vide Administration Of Justice, Lower Canada.

-----Motion for repeal of Act regulating District Courts; Withdrawn Motion, 356.

-----Motion for Committee on repealing certain parts and amending the Act regulating District Courts in Upper Canada, (145-146) 904. Considered, (146) 904. Resolutions reported and agreed to, (146) 904-905. Bill presented and read, (146) 905.

DISTRICT COUNCIL:--Petition of one received, in spite of form, 71-72.

DIVISION OF UPPER CANADA:--Vide Counties Division.

DOGS:--Vide Taxes.

DOUBLE SECURITY CLAUSE:--Vide Banks.

DUTIES:--Vide Bastard Sugar; Copy Rights Act (Imperial); Customs; Duty On Imports; Licenses; Governor General, Messages From His Excellency, (4.)

DUTY ON IMPORTS:--A Select Committee appointed to consider the expediency of reducing the duty on Merchandise, the produce of the British West Indies, contingent on their making an equal reduction on Bread Stuffs, &c., the produce of Canada, with power to report from time to time, (7) 30-32. Two Members added to the Committee, (9) 43.

- Petitions for a protecting duty on Agricultural Produce, imported into the Province from the United States: Of William Smart, and others, County of Durham, (6) 28, (8) 40. (Infra.) Of Municipal Council, District of St. Hyacinthe, (7) 28, (8) 40. Of Municipal Council, District of Niagara, (7) 28, (8) 40. (Infra.) Of John Craig, and others, County of Simcoe, (7) 37, (13) 113. Of Alexander Kilborne ((or Kilborn)), and others, County of Stanstead, (8) 38, (13) 114. (Infra.) Of Lt. Col. William Morris, and others, County of Sherbrooke, (17) 150, (24) 181. Of Municipal Council, District of Richelieu, (17) 150, (25) 182. Of Municipal Council, District of Gore, (32-33) 229, (39) 262. Of Rev. J. Durocher, and others, District of Montreal, (36) 245, (43) 279. Of Paul Lussier, and others, District of Montreal; of the Hon. W. W. Baldwin, and others, Home District, (42) 277, (53) 335. (Infra.) Of Prince Edward Agricultural Society, (53) 334, (61) 379. Of Edwin Pridham, and others, of Grenville, (56) 359, (64) 393-394. (Infra.) Of Charles F. Grece, and others, of Terrebonne, (56) 359, (64) 394. Of H. Robinson, and others, County of Shefford, (70) 429, (76) 461. Of Lewis Willson, and others, Township of Pelham, (73) 453, (79) 483. Of Narcisse Valois, and others, County of Montreal, (83) 523, (87) 553.
- Notice of Question of the Ministry as to their intention to introduce a Bill for Agricultural Protection, 34. Question; Answer, 71.
- House resolves to go into Committee, to consider of amending the Act 4 & 5 Vic., cap. 14, imposing duties on Goods, Wares and Merchandise imported into this Province, and imposing duties on certain Agricultural Products, exempted from duty in the said Act, (20) 159-160. Considered, (30) 211-212. Order for receiving Report of Committee of whole discharged, and the subject recommitted, (50) 309. Again considered, (53) 328-331. Petitions of William Smart, and others; of Municipal Council, District of Niagara; of Alexander Kilborne ((or Kilborn)), and others; and of W. W. Baldwin, and others, referred, (54) 337. Again considered, (56) 343-354. Thirty-four Resolutions reported, (57-59) 362-365. On Question of Concurrence, an Amendment moved, and negatived, on division, (59) 365-367. The first to the fifth Resolutions agreed to; Amendments to the sixth and seventh Resolutions agreed to; the eighth to the twenty-fourth Resolutions agreed to; the twenty-fifth Resolution agreed to, on division, (59) 368. The twenty-sixth Resolution agreed to, on division; the twenty-seventh to the thirty-first Resolutions agreed to; the thirty-second Resolution agreed to, on division; the thirty-third Resolution agreed to, (59) 369. The thirty-fourth Resolution agreed to, on division, (59-60) 369-370.
- Bill to impose duties on Agricultural Products and Live Stock imported into this Province, presented and read, on division, (60) 370. Second reading; Committed; Considered, (66-67) 410. Vide Questions Negatived, (6.) Reported; To be engrossed, (69) 424. Passed, on division, (70-71) 429-430. By the Council, (89) 603. Royal Assent, (131) 824. (7 Vic., cap. 1.)
- House resolves to go into Committee to consider of further continuing the Act passed during the present Session, to impose duties on

Agricultural Products imported into this Province, on division, (175) 1032-1033. Considered, (175) 1033. Discussion on nature of Bill, (178) 1052-1054. Resolution reported and agreed to; Bill presented and read, (178) 1054. Second reading, and ordered to be engrossed, (179) 1054. Passed, on division, (180) 1061. By the Council, (184) 1071. Royal Assent, (208) 1208. (7 Vic., cap. 2.)

-----Petition of Thomas White, and others, of Montreal, that a duty of 30 per cent be imposed upon Boots and Shoes imported from the United States, (11) 77, (18) 152. Petition of George Bridgman, and others, of Canada East, that the duty on Leather be raised to its former rate, (33) 229, (39) 263. Petitions referred, (54) 337-338. Petition of Edwin Pridham, and others, also referred, (83) 523. Report, (113) 748.

-----Petition of Peter Freeland, and others, of Toronto, for protective duty on Soap and Candles, (35) 245, (42) 278. Petition of Municipal Council, Western District, for additional duty on Leaf Tobacco, (53) 334, (61) 378. Petition of James Taylor, and others, for duty on Beer, Porter, and other Malt Liquors imported, (64) 392, (71) 430.

E

EDUCATION AND SCHOOLS:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

-----Petitions For Aid: Of Minister, Elders and Trustees of St. Andrew's Church, Quebec, for School in connection with said Church; of Rev. George Mackie, and others, for the National Schools, Quebec, (6) 20, (8) 39. Of Rev. J. B. Bourassa, and others, of Chateauguay, for Education of Female youth, (10) 77, (17) 151. Of B. H. Lemoine, and others, British and Canadian School Society, Montreal, (11) 77, (18) 152. Of David Mackenzie, and others, for a grant to the Teachers for present year, (21) 169, (25) 182. Of William Baker, and others, to Dunham High School, (24) 180, (33) 231. Of Rev. Joseph Desautels, to build a School House in Hull, (32) 229, (38) 262. Of Peter McGill, and others, for High School, Montreal, (32) 229, (39) 262. Of Rev. John Cook, and others, for High School, Quebec, (33) 230, (39) 263. Of J. S. Brondgeest, and others, (35) 245, (42) 278. Of Thomas H. Day, and others, Sydenham, for a Classical School, (36) 246, (43) 279. Of President and Members, Quebec British and Canadian School Society, (38) 261, (43) 281. Of Rev. Andrew Balfour, Waterloo, (56) 359, (64) 393.

-----Petitions on the Appropriation of School Moneys: Of Municipal Council, District of St. Hyacinthe, (7) 28, (8) 40. Of John Russell, and others, Teachers, (8) 38, (13) 114. Of Henry Hamilton, and others, District of London, (121) 787, (131) 824. Of Bishop of Toronto, (153) 948, (166) 1002.

-----Of Municipal Council, District of Johnstown, for a further endowment for Grammar Schools in Upper Canada, (8) 38, (14) 116. Petition of Rev. Mark Willoughby, and others, that the Scriptures be used as a Class Book in Schools, (99) 683, (105) 712. Petition of

- T. A. Stayner, and others, to incorporate the British and Canadian School, Quebec, (198) 1170, (207) 1204.
- Petitions for Amendments to Common School Act: Of Municipal Council, District of Simcoe, (7) 29, (9) 41. Of Caledon District Council, 34. Of Edward Ryall, and others, Township of Oro, (7) 37, (13) 113. Of Municipal Council, District of Sherbrooke, (11) 77, (18) 152. Of Municipal Council, District of Rimouski, (33) 230-231. Of William Gordon, and others, Township of Drummond, (24) 180, (33) 231. Of Municipal Council, District of Wellington, (42) 277, (53) 335. Of Municipal Council, Western District, (56) 359, (64) 393. Of H. Robinson, and others, County of Shefford, (70) 429, (76) 461. Of J. H. Thompson, and others, Fourth Riding, County of York, (75) 460, (79) 483. Of B. Pomroy, and others, County of Sherbrooke, (78) 481, (87) 553. Of David Good, and others, District of Wellington, (86) 552, (91-92) 663-664. Of C. O. Ermatinger, and others, Parish of St. Armand, (86) 552, (102) 690. Of Rev. William Thompson, and others, City of Montreal, (99) 683, (105) 712. Of Rev. John Cook, and others, City of Quebec, (133) 854, (140) 879.
- Petition for repeal of the Common School Act: Of James Greig, and others, Township of Ramsay, (8) 38, (13) 114.
- House resolves to go into Committee to consider of repealing the Act 4 & 5 Vic., relating to the establishment and maintenance of Common Schools, and substituting other provisions, (57) 361-362. Considered; Resolution reported and agreed to, (67) 410.
- Bill for the establishment and maintenance of Common Schools in Upper Canada, presented and read, (132) 827-828. Second reading, (153) 933-935. Committed, (153) 935. Considered, (191) 1144, (192) 1157. Reported, (195-196) 1161. Clause added; To be engrossed; Passed, (196) 1161. By the Council, (199) 1173. Royal Assent, (209) 1209. (7 Vic., cap. 29.)
- Bill to provide more efficiently for Elementary Education in Lower Canada, presented and read, (141) 884. Second reading, (153) 935-943. Referred, (153) 943.
- Bill to repeal the Act for the establishment of Common Schools, and to grant an Indemnity, &c., presented and read, (74) 455. Second reading, (121) 776-778. Committed, (121) 778. Considered, (125) 799-800. Reported, (129) 816-817. To be engrossed, (129) 817. Passed, (133-134) 855. By the Council with Amendments, (184) 1071-1072.
- Bill to provide for the establishment and maintenance of Common Schools, and to grant an Indemnity, &c., presented and read; Second reading; To be engrossed; Passed, (186) 1109. By the Council, (192) 1145. Royal Assent, (208-209) 1208. (7 Vic., cap. 9.)
- Bill to appropriate the proceeds of the Waste Lands of the Crown and the Casual and Territorial Revenue for the purposes of Common Schools, and to limit the time for calling in Scrip, presented and read, (195) 1160. Order for second reading, (195) 1160.
- Vide also Academies; Accounts, (34, 35, 36, 37.); Charitable Institutions; Collegiate Institutions; Currie, Donald; Governor General, Messages From His Excellency, (12.); Internal Improvements; Newfoundland And British North American School Society; Quebec District Education Society; Seminaries.

ELECTIONS, CONTROVERTED, RUSSELL COUNTY:--Petition of Archibald Petrie, and others, Electors, complaining of that Election, (8) 38, (14) 114-115. Petition of Alexander Findlay, and others, complaining of the same, (21) 169, (25) 183. Day appointed for taking the latter Petition into consideration, (37) 249. Recognizances (Archibald Petrie, and others), (38) 261. Petition considered, (63) 390. Committee appointed, (63-64) 390-392. Day appointed for interchange of Witnesses, (68) 418. Committee Report adjournment for want of evidence, and also, absence of a Member, (72) 432. Leave to adjourn to a future day, (74) 455. Exchange of Witnesses, (84) 523-524. Leave to adjourn, (85) 527. Report absence of a Member, (103) 701. Final Report, (112-113) 746.

ELECTIONS, GENERAL, OUTRAGES AT:--Notice of Motion for Special Committee to investigate and report on the alleged outrages at the General Election, in the Counties of Terrebonne, Montreal, Vaudreuil, Beauharnois, Chambly and Rouville, and to report from time to time, 24. Committee Appointed, (7) 29-30. Correspondence between the Provincial Government and Nicholas Fulham, &c., referred, (128) 813. To report from time to time; FIRST REPORT, (178) 1051. To be printed; Investigation to be continued next Session, if the Session be prorogued before such investigation be closed, (178) 1051.

ELECTIONS, MONTREAL COUNTY:--Motion for a new Writ for said County; Referred, (12) 105. Report, (22-23) 171-175. Committed, (23) 175. Order postponed, (30) 212-213. Considered, (32) 225-226. Resolution reported and agreed to, on division, (32) 226-227.
-----Vide also Questions Negatived, (2.)

ELECTIONS, RETURNS TO WRITS:--Vide Clerk Of The Crown In Chancery.

ELECTIONS, RETURNS TO WRITS, SPECIAL:--County of Hastings, (3) 8-9. Accompanying Protest, (4) 9-16. Committed, (4) 16. Considered, (10) 57-68. Warrant for new Writ moved, (10) 68. Consideration thereof postponed, (10) 69. Considered; New Writ ordered, (12) 106. Vide Privileges And Elections.

ELECTIONS, WRITS ISSUED DURING THE RECESS:--Vide below, p. 1253.

ELECTIONS, WRITS ISSUED DURING THE SESSION:--Vide below, p. 1253.

ELECTIVE FRANCHISE:--Petition of Alexander McDonald, and others, on the Indian Reservation, Eastern District, that they may be allowed the exercise of the Elective Franchise, (10) 77, (17) 151. Referred, (22) 170. Report, (36) 247-248. Report referred back to the Committee to take evidence, (36) 248-249. Committee again report, (149-150) 917-922. Committed, (150) 922. Considered, (170) 1015. No Report, (170) 1015-1016.

ENACTMENTS:--Vide Forms Of Enactment.

ELECTIONS, WRITS ISSUED DURING THE RECESS.

FOR WHAT PLACE.

IN THE ROOM OF.

ON WHAT ACCOUNT.

Fourth Riding, County of York.....	Louis Hyppolite LaFontaine, Esq.....	Attorney General, Lower Canada, (1) 1.
County of Port Neuf.....	Thomas Cushing Aylwin, Esq.....	Solicitor General, Lower Canada, (1) 2.
Third Riding, County of York.....	James Edward Small, Esq.....	Solicitor General, Upper Canada, (1) 2.
Second Riding, County of York.....	George Duggan, Esq.....	Void Election, (1-2) 3.
County of Beauharnois.....	John William Dunscombe, Esq.....	Vacated his Seat, (2) 3.
County of Saguenay.....	Etienne Parent, Esq.....	Office of Profit, (2) 3-4.
County of Rimouski.....	Michael Borne, Esq.....	Vacated his Seat, (2) 4.
City of Toronto.....	Isaac Buchanan, Esq.....	Vacated his Seat, (2) 4-5.
County of Champlain.....	René Joseph Kimber, Esq.....	Called to Legislative Council, (2) 5.
City of Quebec.....	David Burnet, Esq.....	Vacated his Seat, (2) 5.
County of Russell.....	William Henry Draper, Esq.....	Called to Legislative Council, (3) 6.
County of Hastings.....	Robert Baldwin, Esq.....	Attorney General, Upper Canada, (3) 7-8.
County of Rouville.....	William Walker, Esq.....	Vacated his Seat, (7) 37.

ELECTIONS, WRITS ISSUED DURING THE SESSION.

County of Chambly.....	John Yule, Esq.....	Vacated his Seat, (9) 44.
County of Hastings.....	Special Return.....	(12) 106.
County of Montreal.....	Alexander Maurice Delisle, Esq.....	Office of Profit, (32) 227.
City of Montreal.....	George Moffatt, Esq.....	Vacated his Seat, (83) 511.

EXECUTIVE COUNCIL:--Vide Accounts, (38.); Addresses, (26, 27.); Legislative Council; New Administration; Public Officials; Resignation Of Executive Councillors.

EXECUTIVE DEPARTMENTS:--Vide Accounts, (39.)

EXPIRING LAWS:--Motion of Special Committee to prepare list of Members for Standing Committee on, (18) 153-154. Amendment, (18) 154-156. Amendment carried, on division, (19) 156. Amended Motion passed, on division, (19) 156-157. Standing Committee on, appointed, (34) 233.

F

FAYETTE, REV. J.F.A.S., A.M.:--Petition of, to be naturalized, (50) 313, (57) 360. Referred, (74) 454. Report, (88) 555. Vide Morgan, Cyprian, Of Johnstown District.

FEUDAL TENURE:--Vide Seigniorial Tenure.

FIEFS NAZARETH, ST. AUGUSTIN AND ST. JOSEPH:--Bill to empower the Seigniors of said Fiefs, to commute the tenure of the lands, now held en censive, presented and read, (170) 1015. Second reading; To be engrossed, (176) 1044. Amended; Passed, (177) 1049. By the Council, (184) 1071. Royal Assent, (209) 1209. (7 Vic., cap. 27.)

FINANCIAL STATEMENTS:--Vide Accounts, (40.)

FINES AND FORFEITURES:--Vide Addresses, (29.)

FIRE ASSURANCE COMPANIES:--Vide Assurance Companies.

FISH AND FISHERIES:--Petition of Uriah Jewett, and others, of County of Stanstead, that the Fish called Maskinongé, may not be taken during the Spawning Season, in Lake Memphremagog, and its inlets and outlets, (8) 38, (13) 114. Referred, (17) 125. Instruction, to consider of providing a measure for the preservation of all kinds of Fish in the fresh waters of Canada, and to report from time to time, (37) 250. Report, (84-85) 526-527.

-----Bill for the better preservation of Fish, in the Counties of Stanstead, Sherbrooke, Missisquoi and Shefford, presented and read, (85) 527. Second reading; Referred, (114) 751. Reported; Committed, (122) 788. Considered, (139) 875. Reported, (149) 890-891. To be engrossed, (143) 891. Passed, (144) 895. By the Council, (163) 975. Royal Assent, (209) 1208. (7 Vic., cap. 13.)

-----Petition of Charles Cunningham, and others, of the City of London, England, for an Act to incorporate them as a Fishing and Mining Company, (8) 38, (14) 116. Petition of Andrew H. Young, and others, of Quebec, in favour of Petition of Charles Cunningham, and others, (13) 113, (22) 170. Petitions referred, (18) 152, (22) 171. Report,

(30) 218-219. Committed, (31) 219. Considered, (60) 371-373. Resolution reported and agreed to, (60) 373. Bill presented and read, (60-61) 373. Second reading; Referred, (72) 438. Reported, (87) 555. Committed, (89) 603. Considered, (109) 725-729, (115) 757. Reported; To be engrossed, (121) 776. Passed, (126) 805. By the Council with an Amendment, (144) 896. Amendment considered and agreed to, (146) 905. Royal Assent, (209) 1209. (7 Vic., cap. 45.)

-----JOURNALS of last Session, on Salmon Fisheries, in Gaspé, read; Subjects referred, (56) 343. Report, (183) 1070. Report Committed, (183) 1070. Considered, (193) 1151. Resolution reported and agreed to, (193) 1151-1152. Vide Addresses, (42.)

FORMS OF ENACTMENT:--Bill to supply certain Forms of Enactment, from the Legislative Council, read; Ordered for second reading, (180) 1057-1058. Second reading; Committed, (193) 1152.

FORWARDERS:--Petition of Municipal Council, District of Brock, for protection against the high charges of Forwarders, (13) 113, (22) 170. Vide Canada Inland Forwarding Company.

FRIENDLY SOCIETIES:--Bill to afford protection and encouragement to, presented and read, (163) 975. Second reading; Referred, (170) 1014.

G

GAME LAWS:--Petition of Thomas Woodbridge, and others, that the Act for the preservation of Deer within this Province, and prohibiting shooting on the Lord's day, be amended, (56) 359, (64) 393.

-----House resolves to go into Committee, to consider of repealing the Act of Upper Canada relating thereto, and to pass an Act for the preservation of Game in Canada, (67) 414-415. Considered; Resolution reported and agreed to; Bill presented and read, (73) 447. Second reading; Committed, (130) 817. Considered, (130) 817-819. Reported, (132-133) 828-830. Vide Questions Negatived, (19.) To be engrossed, (133) 830. Passed, (133) 854. By the Council, (144) 896. Royal Assent, (209) 1208. (7 Vic., cap. 12.)

-----Vide also Wild Animals.

GAOLS AND COURT HOUSES:--Petition of Municipal Council, District of Sydenham, for aid to erect a Gaol and Court House, in said District, (8) 39, (14) 116.

-----Petition of Paul Glasford, and others, for a Grant of money to liquidate a debt on the Gaol and Court House, in the District of Johnstown, (73) 453, (79) 483. Referred, (87) 554. Report; Committed, (106) 713. Considered, (115) 756. Resolution reported and agreed to, (115) 756-757. Bill to complete the debt for the completion of the new Gaol and Court House, in the Johnstown District, payable by the District Council, presented and read, (115) 757. Second reading; To be engrossed, (146) 906. Passed, (148) 915. By the Council, (167) 1006.

Royal Assent, (209) 1209. (7 Vic., cap. 41.)

-----Petition of the Municipal Council, Home District, that the corporation of the City of Toronto do pay a proportion of the expenses of the District Gaol, (152) 928, (166) 1001.

-----Vide also Debtors; Odell, Loop; Questions Negatived, (30.)

GASPE DISTRICT:--Vide Accounts, (1.); Administration of Justice, Gaspé.

GASPE FISHERIES:--Vide Fish and Fisheries.

GEMMILL ((OR GEMMELL)), REV. JOHN:--Petition of, that Scrip may be allowed him for land formerly granted to him, and which he did not locate, (153) 948, (166) 1002.

GENERAL LAW:--Vide Forms Of Enactment.

GENERAL SESSIONS:--Bill to alter the terms of the General Sessions of the Peace, in and for the District of St. Francis, presented and read, (163) 975. Second reading; To be engrossed, (170) 1014. Passed, (171) 1022. By the Council, (184) 1071. Royal Assent, (209) 1208. (7 Vic., cap. 20.)

GEOLOGICAL SURVEY:--Notice of Question regarding progress, 478.

-----Vide also Surveying.

GLASS:--Petition of John De Cow, and others, of County of Haldimand, for a renewal of their Charter as the Cayuga Glass Company, granted in 1835, (11) 77, (18) 151. Referred, (22) 171. House resolves to go into Committee, to consider of reviving the Act of Upper Canada relating to the Cayuga Glass Company, (68) 419-420. Considered; Resolution reported and agreed to; Bill presented and read, (73) 448. Order for second reading, (73) 448.

GOODS, WARES, AND MERCHANDISE:--Vide Duty On Imports.

GORE OF CHATHAM:--Bill to detach the same from County of Terrebonne, and annex it to the County of The Two Mountains, presented and read, (129) 816. Second reading; Referred, (146) 906. Reported; To be engrossed, (167) 1003. Passed, (167) 1006. By the Council, (180) 1057. Royal Assent, (209) 1209.

-----Petition of John Rogers, and others, in favour of the Bill, (153) 948, (166) 1002.

GOSSELIN, ALEXIS:--Vide Boyer River Bridge.

GOURLAY, ROBERT FLEMING:--Petition of, for relief of certain Grievances, (167) 1006, (177) 1050. Referred, (177-178) 1050. Report; Agreed to, (193-194) 1155. Vide Addresses, (31.)

GOVERNOR GENERAL:--Vide Addresses.

- His Speech at the opening of the Session, reported by Mr. Speaker, (5-6) 17-20. Day appointed for taking it into consideration, (6) 20-23. Considered, (9) 44-45. Resolution moved, (9-10) 45-57. Referred to Special Committee, (10) 57. Report Address, (11-12) 77-104. Vide Addresses, (46.)
- Speech at Prorogation, (210) 1211.

GOVERNOR GENERAL, MESSAGES FROM HIS EXCELLENCY:--Desiring the attendance of the Legislative Assembly in the Chamber of the Legislative Council, (1) 1, (110) 733, (130) 823, (208) 1207.

1. Transmitting Copies of two Despatches from the Secretary of State, relating to Addresses of last Session, to Her Majesty and Prince Albert, (15) 119-122. Vide Accounts, (54, 61.)
2. Transmitting Report of the Commissioners on Seigniorial Tenures, (15-16) 122. Vide Accounts, (66.)
3. Transmitting Report of Commissioners on the Administration of Justice in the Inferior District of Gaspé, (16) 122. Vide Accounts, (1.)
4. Transmitting Copy of Despatch from the Secretary of State on the subject of the duty on Wheat imported into Canada, and into the United Kingdom, with Imperial Act, (16-17) 122-125. Vide Accounts, (21, 22.)
5. Informs the House that the Bill passed last Session on the subject of the Temporalities of the United Church of England and Ireland, and reserved, has received the Royal Assent, (25) 183-184.
6. In reply to Address of this Session on the subject of the Seat of Government, (25-28) 184-191. Vide Accounts, (65.); Seat Of Government. Accompanying protest, (28) 191. Motion that it be printed, (28) 191-204. Motion to postpone further consideration negatively, on division, (28) 204. Main Motion carried, on division, (28) 204.
7. Transmitting Estimate, &c., for the Public Service, ending 31 December 1843, (47) 293. Vide Accounts, (58.)
8. In answer to Address of last Session respecting the Civil List, (47) 294. Vide Accounts, (25.)
9. Transmitting Despatches, Nos. 66, 103, 137, 15: Savings Banks; Customs duties; On proportioning punishment to offences; Acts of last Session on Currency and Banking Companies, (47-49) 294-300. Vide Accounts, (9, 10, 28, 60.)
10. Transmitting Report of Commission of Enquiry on the Riots last Summer on the Beauharnois Canal, (49) 300. Also Statement of expenses in quelling the Riots on Lachine Canal, (49) 300. Vide Accounts, (16.)
11. Transmitting Despatch respecting arrangements of the Post Office in British North America, (51-52) 317-319. Vide Accounts, (53.) Printed, (52) 319. Vide Accounts, (53.)
12. On the distribution of Moneys in aid of Common Schools, (74-75) 455-456. Printed, (75) 456. Vide Accounts, (35.)
13. That His Excellency will issue his Warrant to the Clerk of this House, for the sums of £3,578 9 7 3/4 and £5,000 0 0, for the Contingencies thereof, (77) 468.
14. Transmitting Returns in Answer to Address of last Session on certain appointments in Lower Canada, since 1791, (77) 468. Vide Accounts, (3.)

15. On substituting other provisions for the purchase of the private Stock in the Welland Canal, than those contained in the Act of the Session of 1841, (115) 757-758. Vide Welland Canal.
16. For an advance of the sum of £25,000 Sterling, to meet the necessary and indispensable expenses of the Government, from 1 January 1844 to 31 March 1844, (180) 1062. Vide Supply.
17. Recommending Supplementary Estimate for the service of the present year, (181) 1062-1063. Vide Accounts, (59.); Supply.
18. In answer to Address on the subject of the resignation of certain members of the late Executive Council, (181-183) 1063-1068. Printed, (183) 1068-1069. Vide Accounts, (38.)
19. On conducting Important Measures before the Parliament to their proper completion or termination without interruption, (192) 1145. Message read, (192) 1145-1146. Vide Privileges And Elections.
20. That His Excellency will issue his Warrant for the amount of Contingencies in compliance with the Address of 2 December, (195) 1159.
21. On the subject of Address respecting the resignation of certain Members of the Executive Council, (195) 1160. To be printed, (195) 1161. Motion to read the Message, (197) 1164.
22. That His Excellency will transmit the Bill to incorporate the Church Societies of the United Church of England and Ireland, in the Dioceses of Quebec and Toronto, to the Secretary of State, (206) 1194.
23. Recommending an Annual Salary to the Speaker of the Legislative Council, (206) 1194. Vide Speaker Of Legislative Council.
24. Thanking the House for the Supplies for the necessary expenses of the Government to 31 March 1844, (206) 1194-1195.
25. Transmitting the First and Second Reports of the Commissioners for revising the Acts and Ordinances of Lower Canada, (206) 1195.
26. That His Excellency will transmit the Address to the Secretary of State, on the subject of the Civil List, (207) 1203.

GOVERNOR'S SECRETARY:--Question regarding his salary; Answer, 165.

GRAMMAR SCHOOLS:--Vide Education And Schools.

GRANT OF MONEY:--Vide Money Grant.

GRIEVANCES:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

GRIST MILLS:--Vide St. Jean Chrysostome.

H

HALDIMAND COUNTY:--Petition of John De Cow, and others, that the said County be erected into a separate District, (166) 1001, (171) 1023. Referred, (178) 1050. Vide Niagara District.

-----Vide also Questions Negatived, (30.)

HAMILTON AND BRANTFORD ROAD:--Petition of Thomas Fingland, and others, Contractors, for relief, (83) 523, (87) 554.

HAMILTON, TOWN OF:--Petition of William Hill, and others, Township of Barton, that the limits of said Town be not extended, (153) 948, (166) 1002.

HARBOUR AND PORT DUES:--Vide Accounts, (30.); Addresses, (24.)

HARRISON, HON. SAMUEL BEALEY:--Petition of, for authority to practise in the Courts of Chancery and Queen's Bench, in Upper Canada, (84) 524, (87) 554. Referred, (87) 554.

-----Bill to admit Samuel Bealey Harrison, to practise as an Attorney and Solicitor, in Court of Queen's Bench and Court of Chancery, presented and read, (99) 681. Second reading; To be engrossed, (109) 722. Passed, (110) 734. By the Council, (131) 825. Royal Assent, (209) 1210. (7 Vic., cap. 58.)

-----Vide also Provincial Secretary.

HASTINGS COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess; Privileges And Elections; Speaker.

HAWKESBURY TOWNSHIP:--Petition of Charles A. Lowe ((or Low)), and others, that the said Township be divided, (75) 460, (79) 483.

-----Bill to divide said Township, presented and read, (122) 789. Second reading; To be engrossed, (151) 923. Passed, (152) 928. By the Council, (167) 1006. Royal Assent, (209) 1209. (7 Vic., cap. 39.)

HEBERT, CHARLES:--Petition of, praying relief from the non-payment of Wages, by Quebec District Council, (30) 217, (36) 247.

HIGH SCHOOLS:--Vide Collegiate Institutions; Education And Schools.

HISTORICAL SOCIETY:--Vide Quebec Literary And Historical Society.

HOPS:--Petition of George Belton, and others, of the London and Brock Districts, for protection and encouragement, as Hops Growers, (21) 169, (25) 182.

HOSPITALS:--Petition of President and Governors of Montreal Hospital, for relief, (32) 229, (38) 262.

-----Vide also Charitable Institutions; Hospitals And Charitable Institutions.

HOSPITALS AND CHARITABLE INSTITUTIONS:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

HOUSE TAX:--Vide Taxes.

HOUSES OF REFUGE:--House resolves to go into Committee, to consider of

establishing Houses of Refuge for Juvenile Offenders, and to provide for the diminution of Crime, (51) 315. Considered, (62) 381-386. Two Resolutions reported and agreed to, (62-63) 386. Resolutions referred, (63) 386.

HURON COUNTY:--House resolves to go into Committee, to consider of amending Act, 4 Will. 4, cap. 55., establishing said County, (47) 292. Considered; Resolutions reported and agreed to; Bill presented and read, (61) 374. Order for second reading, (61) 374.

I

ILLEGITIMATE CHILDREN:--Bill for the support of, presented and read, (56) 343. Order for second reading discharged, (70) 425.

IMPERIAL ACTS:--Vide Acts Of Imperial Parliament; Copy Rights Act.

IMPORTS:--Vide Duty On Imports.

IMPRISONMENT FOR DEBT:--Petition of Municipal Council, Western District, for the abolition thereof, (53) 334, (61) 378. Of Newby Robinson, and others, of the Home District, the same, (61) 376, (65) 394. Of William Stewart, and others, of the Home District, the same, (121) 787, (131) 824. (Infra.)

-----Question regarding Bill to abolish Imprisonment for Debt, and for the punishment of fraudulent debtors; Answer, 242. Bill presented and read, (68) 418. Second reading; Referred, (130) 819. Petition of William Stewart, and others, also referred, (131) 825. A Member added to the Committee, (131) 825. Reported; Committed, (149) 917. Considered, (170) 1015. Reported; To be engrossed, (176) 1043. Passed, (177) 1048. By the Council, (184) 1071. Royal Assent, (208) 1207. (7 Vic., cap. 31.)

INCENDIARISM:--Vide Claims For Losses.

INDEPENDENCE OF JUDGES:--Bill to render the Judges of the Courts of King's Bench, Canada East, independent of the Crown, presented and read, (7) 32. Second reading, (38) 254-255. To be engrossed, (38) 255. Passed, (38) 261. By the Council, (62) 379-380. Royal Assent, (130) 824. (7 Vic., cap. 15.)

INDEPENDENCE OF PARLIAMENT:--Vide Legislative Council; Provincial Parliament.

INDIAN LANDS:--Vide Accounts, (42.); Addresses, (34.); Land Granting.

INDIAN RESERVATIONS:--Vide Boundary Lines; Caledonia Village; Elective Franchise.

INDICES:--Vide Contingencies.

INDUSTRIAL FARM:--Bill to authorise the purchase of an Industrial Farm in the neighbourhood of Toronto, presented and read, (152) 928-929. Second reading; Committed, (176) 1044. Considered, (179) 1057. Reported; To be engrossed, (185) 1108. Passed, (186) 1108.

INFANT SCHOOLS:--Vide Charitable Institutions.

INSANE:--Vide Accounts, (43.); Addresses, (36.); Lunatic Asylums.

INSOLVENT DEBTORS:--Petition of Board of Trade, Toronto, for the passing of an Insolvent Debtors Act, (167) 1006, (177) 1050. Referred, (178) 1050-1051. Vide Bankrupt Law.

INSTRUCTIONS TO COMMITTEES:--Vide Absconding Debtors; Administration Of Justice; Agriculture; Fish And Fisheries; Niagara District Bank.

INSURANCE COMPANIES:--Vide Assurance Companies.

INSURANCE OF DEBT:--Bill to insure debt of the previous Receiver-General of Lower Canada. Notice of Motion, 34.

INTERNAL IMPROVEMENTS:--Petition of H. Robinson, and others, of Shefford County, to carry on such in the Eastern Townships, (70) 429, (76) 461.

INTESTATE ESTATES:--Bill for the more equal distribution of property of Persons dying intestate, presented and read; Order for second reading, (34) 234. Order for second reading revived, (141) 884. Further consideration postponed, (169) 1013.

ISLE BIZARE:--Petition of Xavier ((or Xavier)) Légault, and others, Parish of St. Raphael, that the said Island be annexed to County of Montreal, (61) 376, (65) 394. Referred, (127) 807-808. Report; Bill presented and read, (141) 883. Second reading; Referred, (151) 924. Reported; Committed, (167) 1003. Considered; Reported; To be engrossed, (176) 1045. Passed, (177) 1048-1049. By the Council, (184) 1071. Royal Assent, (209) 1208-1209. (7 Vic., cap. 23.)

J

JOINT ADDRESSES:--Vide Addresses, (2.)

JOURNALS:--Read, (7) 29, (56) 343, (86) 546, (114) 750. Last entries referred, (114) 750.

JUDGES:--Vide Independence Of Judges.

JUDICATURE:--Petition of C. M. Hyndman, Keeper, &c., of the Court of

Judicature in District of St. Francis, to be put on the same footing as Keeper, &c., of such Courts in other Districts, (6) 20, (8) 39.

-----Vide also Administration Of Justice, Gaspé; Administration Of Justice, Lower Canada; Administration Of Justice, Upper Canada; Commissioners Courts; District And Division Courts.

JURIES:--House resolves to go into Committee to consider of repealing and amending certain Acts of the late Parliament of Upper Canada, respecting Juries, and to consolidate the same; Considered; Resolution reported and agreed to; Bill presented and read, (20) 161. Second reading; Committed, (66) 398. Considered, (75) 458.

-----Bill to regulate the qualification and summoning of Jurors in Civil and Criminal matters in Lower Canada, presented and read, (135) 858. Second reading, (143) 891. Referred, (143) 891-892.

JUSTICES' OATH ADMINISTRATION:--Bill to provide for, presented and read, (5) 17.

JUVENILE OFFENDERS:--Vide Houses Of Refuge.

K

KELLY, WILLIAM MOORE:--Vide Accounts, (32.); Addresses, (25.)

KIDD, MRS. CATHARINE JANE:--Petition of, for a pension, for the loss of her husband, who died in defence of the Province, (99) 683, (105) 711-712.

KING'S AND UPPER CANADA COLLEGE:--Vide Accounts, (44.); Collegiate Institutions.

-----Statements thereof referred, (88) 555.

-----Petition of Henry A. Croft and William C. Gwynne, Professors, on the Constitution of the Council of said College, (137) 866. To be printed, (137) 867.

KINGSTON:--Petition of Mayor and Corporation, to be incorporated, and the limits of the town extended, (17) 150, (24) 181. Petition of Venerable George O'Kill ((or Okill)) Stuart, and others, Freeholders on Lot 24, that said lot be not included in the extension of said limits, (30) 217, (36) 247. Petition of George W. Yarker, and others, County of Frontenac, that Lot 24 may be included in said limits, (33) 229, (39) 263.

-----Vide also Seat Of Government.

KINGSTON MARINE RAILWAY:--Petition of the Company of, for additional powers, (36) 246, (43) 280. Referred, (57) 361. Report, (79-80) 484-485. Bill presented and read, (85) 528. Second reading; To be engrossed, (104) 708. Passed, (105) 711. By the Council with

Amendments, (123) 791. Amendments to be considered, (128) 813-814. Considered and agreed to, (128) 814. Royal Assent, (209) 1210. (7 Vic., cap. 61.)

KINGSTON MINERAL WELLS:--Petition of James Morton, and others, for an Act of Incorporation, (36) 246, (43) 280. Referred, (44) 282. Report, (79) 484. Bill presented and read, (141) 883-884. Second reading; Referred, (169) 1013. Reported; Committed; Considered; Reported; To be engrossed, (204) 1186. Passed, (207) 1204. By the Council, (208) 1207. Royal Assent, (210) 1210. (7 Vic., cap. 64.)

L

LACHINE CANAL:--Vide Accounts, (16.); Addresses, (13.); Governor General, Messages From His Excellency, (10.)

LA CONGREGATION DE NOTRE DAME DE QUEBEC:--Bill to incorporate, presented and read, (120) 775-776. Second reading; To be engrossed, (136) 863. Passed, (140) 878. By the Council, (148) 915. Royal Assent, (209) 1210. (7 Vic., cap. 51.)

LAND GRANTING:--A Select Committee appointed to consider the system of granting Indian Lands in the Districts of Niagara and Gore, (62) 380. Return to Address for Copies of two Petitions relating to Indian Lands, referred to same Committee, (144) 895. Report, (189) 1137.

-----Petition of Joseph Forsyth, and others, that the time be extended for application for Script, (56) 359, (64) 393. Petition of John Fitzwilliam Berford, Toronto, for a modification of the Laws to the occupation of the soil in Canada, (153) 948, (166) 1002.

-----Vide also Accounts, (45.); Clergy Reserves; Gemmell ((Or Gemmell)), Rev. John; Settlement Duties.

LAND TAX:--Vide Ottawa District Land Tax; Taxes.

L'ASSOMPTION COLLEGE:--Petition of the Corporation, for a grant of money to enlarge said College, (24) 180, (33) 230.

LAWS, EXPIRING:--Vide Expiring Laws.

LEATHER:--Vide Duty On Imports.

LEGISLATIVE ASSEMBLY:--Attend the summons of His Excellency in the Legislative Council Chamber, (1) 1, (110) 733, (130) 823, (208) 1207.

-----Adjourn for want of a Quorum, (130) 820, (137) 864.

-----Adjourn to future days, (24) 177, (42) 271, (63) 388, (78) 477, (84) 526, (99) 681, (115) 758, (139) 876, (166) 998.

-----Adjourn to particular hours on future days, (12) 107, (49) 302, (88) 600, (91) 659, (111) 738, (135) 861, (151) 922, (164) 994, (180) 1061, (188) 1135, (203) 1182, (207) 1200.

- Adjourn to particular hours on the same day, (13) 112, (50) 313, (113) 746, (192) 1146, (196) 1163, (198) 1168, (202) 1181, (205) 1193.
- Names taken on division, Affirmative: (19) 156, 156-157, (28) 204, (32) 226-227, (59) 368-369, (60) 369-370, 370, (71) 430, (76) 465, (86) 548, (90) 658, 658-659, (91) 659, (108-109) 720-721, (130) 823, (133) 850, (143) 890, (144-145) 901-902, (147) 912, (148) 914, (175) 1032-1033, (180) 1061, (187) 1131, (188) 1132-1133, (190) 1140, (192) 1150, (193) 1154, (194) 1157, (197) 1166, (202) 1179, (204) 1185-1186, (207) 1197.
- Names taken on division, Negative: (52-53) 327, (59) 367, (66) 409-410, (67) 417, (68) 419, (72) 437, 438, (75) 457, (86) 547-548, (89) 654, 656, (90) 656-657, 657, (114-115) 752, (121) 782, (122) 787-788, (132) 829, 830, (133) 850, (141-142) 885, (142) 886, (147-148) 914, (168) 1009-1010, (170) 1016, (184) 1103, (187) 1132, (197) 1165, 1166, (198) 1167, (200) 1174, (205) 1191, 1192, (208) 1206-1207.
- Wait upon His Excellency with Addresses, (13) 112, (50) 313.
- To be called over; Members not attending to be sent for in custody of the Sergeant at Arms, (40) 265. Called over, (88) 556.
- Rules dispensed with, (56) 360, (79) 482, (84) 524, (102) 690, (137) 866, (153) 948, (191) 1143, (193) 1154, (196) 1162, (199) 1172, (203) 1182.
- Rules extended, (57) 362, (82) 491, (102) 692.
- Vide also Members; Speaker; Standing Orders.

LEGISLATIVE ASSEMBLY BUILDING:--Vide Committees, Standing.

LEGISLATIVE COUNCIL:--JOURNALS of, to be searched, (82) 491-492.

- Bill to reduce expenditures of Legislative Council. Notice of Motion, 70.
- Bill for better securing the Independence of the Legislative Council, brought from the Council and read, (175) 1033. Order for second reading, (178) 1052. Read second and third times, and passed, (192) 1151. Reserved for Her Majesty's pleasure, (210) 1210.

LEGISLATIVE COUNCIL, MESSAGES FROM:--With Bills of their own, (108) 718, (175) 1033, (180) 1057-1058.

- Assenting to Bills from the Assembly without Amendment: (62) 379-380, (89) 603-604, (110) 733, (123) 791, (127) 808, (131) 825, (135) 860, (144) 895-896, (148) 915, (163) 975-976, (167) 1006, (180) 1057, (184) 1070-1071, (192) 1145, (199) 1173, (205) 1193, (208) 1207.
- Assenting to Bills from the Assembly with Amendments: (110) 733-734, (123) 791, (127) 808, (144) 896, (163) 976, (168) 1007, (184) 1071-1072, (202) 1181, (206) 1193.
- Assenting to Addresses, (108) 718.
- Agreeing to a Conference, (186) 1109-1110.
- Requesting the Documents, &c., upon which the Bill to naturalize Jacques Adrien Pierre Barbier, and Euphraisie Barbier, his wife, is founded, (168) 1007. Vide Barbier, Jacques Adrien Pierre, And Wife.
- Requesting the Documents, &c., upon which the Bill to naturalize Cyprian Morgan, and others, is founded, (168) 1007. Vide Morgan,

Cyprian, Of Johnstown District.

LEGISLATIVE COUNCIL, MESSAGES TO:--Communicating the Documents, &c., upon which the Bill is founded, for naturalizing Jacques Adrien Pierre Barbier, and Euphraisie Barbier, his wife, (175) 1032.

-----Communicating the Documents, &c., upon which the Bill to naturalize Cyprian Morgan, and others, is founded, (175) 1033.

-----Acquainting their Honours, that the engrossed Bill respecting Bankrupts, had been carried up by mistake, and requesting the same to be returned, (196) 1163. Bill returned, (198-199) 1171.

-----Vide also Addresses, (45.); Bills From The Legislative Council; Governor General, Messages From His Excellency, (23.); Speaker Of Legislative Council.

LEONARD, WILLIAM, OF NEW CARLISLE:--Petition of, for remuneration as a school teacher in District of Gaspé, by appointment from the Royal Institution, at Quebec, (8) 39, (15) 119.

LES DAMES RELIGIEUSES DU SACRE COEUR DE JESUS:--Vide Convent, St. Jacques De L'Achigan.

LIABILITIES OF BANKS:--Vide Banks.

LIBRARY:--Vide Accounts, (46.); Speaker.

LICENSES:--Petition of Municipal Council, District of Niagara, that certain License Moneys be applied to the uses of the District, (7) 28, (9) 41. Motion to refer the Petition, postponed, (144-145) 896-902.

-----Petition of Municipal Council, District of Simcoe, that said moneys be applied to roads; (7) 29, (9) 41. Of Municipal Council, District of Bathurst, the same, (8) 38, (13) 113. Of Municipal Council, District of Victoria, the same, (24) 180, (33) 231.

-----Petition of Rev. J. Z. Carron, and others, of Beauharnois, that persons selling Malt Liquors may pay the same duty as those who sell Spirituous Liquors, (24) 180, (33) 230. Of Godfrey Esinhart, and others, Tavern Keepers, Dorchester, the same, (53) 334, (62) 379.

-----Motion for referral of statement of revenue arising from duties on Licenses to Select Committee, 515-519. Withdrawn Motion, 519.

-----Vide also Marriage Licenses.

LIMITS AND DIVISIONS:--A Select Committee appointed to inquire into the present limits and divisions of the City of Toronto, and of Towns and Villages having Police regulation, in Upper Canada, and to report from time to time, (85) 527-528. A Member added, (103) 701. Report, (172-175) 1024-1031. Referred, (195) 1159. Vide Municipalities, Canada West.

-----Vide also Hamilton, Town Of.

LIVE STOCK:--Vide Duty On Imports.

LOCAL TAXATION:--Vide Addresses, (8.)

LODS ET VENTES:--Vide Seigniorial Tenure.

LONGUEUIL AND CHAMBLY ROAD:--Petition of the Trustees, for authority to borrow a certain sum of Money, (17) 150, (24) 182. Another Petition for Amendments in their Act of Incorporation, (17) 150, (24) 182.
-----Vide also Toll Exemption.

LOSSESS:--Vide Claims For Losses.

LOUGHBOROUGH TOWNSHIP:--Petition of John Waldron, and others, for a division of said Township, (147) 910, (153) 948-949.

LUMBER TRADE:--Bill to provide for the inspection of lumber. Notice of Motion, 70.

-----House resolves to go into Committee to consider of amending the Act of last Session regulating said Trade, (12) 107. Considered; Resolutions reported and agreed to; Bill presented and read, (21) 163. Second reading, (114-115) 751-752. Vide Questions Negatived, (16.) Committed, (115) 752, (126) 802. Petition of William Price, and Petition of Charles Cazeau, and others, referred to the Committee of whole on the Bill, (127) 807. House goes into Committee (no quorum), (130) 819. Petition of Sir Henry J. Caldwell, and others, referred, (134) 856. Considered, (137) 863. Reported; To be engrossed, (141-142) 884-885. Vide Questions Negatived, (21.) Passed, (147) 913. By the Council, (180) 1057. Royal Assent, (208) 1207. (7 Vic., cap. 25.)

-----Petition of Montreal Board of Trade, that Measurement of Timber not be made compulsory, (70) 429, (76) 461. Petition of William Price, Esq., Merchant, that Bill to regulate Inspection of Timber not be passed, (115) 761, (126) 806. (Supra.)

-----Petition of Charles Cazeau, and others, Commissioned Cullers of the City of Quebec, for Amendments to the Act regulating Measurement and Culling of Timber, (105) 711, (113) 747. (Supra.) Also Petition of Sir Henry J. Caldwell, and others, merchants of the City of Quebec, the same, (126) 805, (134) 855. (Supra.)

-----Vide also Accounts, (48, 49.)

LUNATIC ASYLUMS:--Two Petitions, of William Rees, Medical Superintendent of the Lunatic Asylum at Toronto, for the Salary provided in 1839, (50) 313, (56-57) 360, (73) 453, (79) 483.

-----Vide also Addresses, (36.); Insane.

M

MACADAMIZED ROADS:--Petition of the Municipal Council, Midland District, that the said District may be relieved from the costs of the Road from Kingston to Napanee, (24) 180, (33) 231.

-----Notice of Question regarding Government control of Macadamized roads, 70. Question; Answer, 164.

-----Question regarding money grant for Macadamized road between Districts of Gore and Wellington; Answer, 411.

-----Question relating to placing Macadamized roads under control of the Board of Works; Answer, 478.

MANAGEMENT OF CUSTOMS:--Vide Customs.

MANURE:--Vide Toll Exemption.

MARINE RAILWAY:--Vide Kingston Marine Railway.

MARKET REGULATIONS:--Petition of George Ruthman, of Quebec, for Amendments in the Ordinance of 17 Geo. 4, cap. 14, relating thereto, (193) 1154, (203) 1184.

MARRIAGE LICENSES:--Notice of Motion for Committee to inquire into Marriage License fund, 478.

-----Statements of 16 October referred, (104) 703-708. Committee to report from time to time, (120) 775. Report, (127) 808-812. To be printed, (127) 812.

-----Vide also Accounts, (50, 51.); Addresses, (38.); Questions Negatived, (15.)

MASTERS IN CHANCERY:--Vide Speaker.

MCCUAIG ((OR M'CUAIG)), EFFY:--Petition of, for relief against the encroachments on her land in the township of Lancaster, (7) 28, (9) 41. Referred, (9) 43. Report, (194) 1156. Motion for concurrence in the Report, negatived, (194) 1156.

MCELHERAN, MRS. JANE:--Petition of, for relief in consequence of her husband's death, occasioned by hardships during the late rebellion, (91) 662, (102) 691.

MCCGILL COLLEGE:--Petition of A. F. Holmes, M.D., and others, Professors and Lecturers in the Medical School in connection with said College, for aid to said Institution, (13) 112, (21-22) 170. Petition of the Governors of said College, the same, (75) 460, (79) 483.

-----Petitions to extend the benefits of the College to all classes of Her Majesty's Subjects: Of Jacob Price, and others, District of Niagara, (79) 482, (87) 553. Of Thomas Webb, District of Niagara, (88) 602, (102) 690. Of Rev. David Black, and others, of St. Thérèse de Blainville, (99) 683, (105) 712. Of G. R. Lownsbury, and others, District of Talbot, (115) 761, (127) 806. Of Dugald Sinclair, and others, District of London, (130) 822, (138) 867. Of Thomas Moore, and others, District of Prince Edward, (140) 878, (148) 916. Of James Wylie, and others, District of Bathurst, (153) 948, (166) 1002.

MEDICINE, PRACTICE OF:--Petition of Montreal Medical Board, for an Act to regulate the Study of the Medical Profession, (36) 245, (42-43) 279. Referred, (54) 336. Report, (154-163) 949-974. To be printed, (163) 974.

-----Petition of Billa Flint, and others, for Amendments to the Act, relating to the practice of Physic and Surgery, (35) 245, (42) 278. Referred, (79) 484. Report, (172) 1024.

-----Vide also Anatomy; McGill College.

MEMBERS:--Take the Oath and their Seats, (2-3) 6, (35) 245, (42) 277, (78) 481, (86) 545, (103) 701, (171) 1022.

-----Vide also Murney, Edmund.

-----Leave of absence granted, (17) 126, (41) 269, 270, (50) 313, (65) 397, (102) 692, (111) 736, (114) 750, (120) 775, (132) 828, (141) 884, (151) 923, (152) 929, (163) 975, (191) 1144, (195) 1159, (198) 1168.

-----Added to Committees, (9) 43, (42) 271, (57) 362, (103) 701, (122) 790, (131) 825, (185) 1106, (192) 1150.

-----Added to Committees in room of others, (86) 545, (88) 555-556, (111) 737.

-----Vacate their Seats, (83) 495, (178) 1051.

-----Notifications and resignations of, (2) 3, 4, 5, (5) 16.

-----Make excuse for not attending Committees, (72) 432, (103) 701.

-----Not present at calls of the House, (88) 556.

-----Vide also Accounts, (2, 62.); Addresses, (7.); Legislative Assembly; Sessional Allowance.

MERCANTILE LIBRARY ASSOCIATION:--Petition of said Association of Montreal, for an Act of Incorporation, (32) 229, (39) 262. Referred, (57) 361. Report, (65) 395-396. Bill presented and read, (66) 398. Second reading; To be engrossed, (112) 739. Passed, (113) 747. By the Council, (135) 860. Royal Assent, (209) 1209. (7 Vic., cap. 47.)

MESSAGES:--Vide Governor General, Messages From His Excellency; Legislative Council, Messages From; Legislative Council, Messages To.

MILLAR, JOHN:--Petition of, for indemnification for certain property lost by inadvertency of the Government in 1795, (38) 261, (43) 280.

MINERAL WELLS:--Vide Kingston Mineral Wells.

MOFFATT, GEORGE:--Vacates seat, (83) 495. Motion that it be considered as leave of absence for remainder of Session; Withdrawn Motion, 549.

MONEY GRANT:--Withdrawn Petition for one, 214.

MONTGOMERY, JOHN, SR., AND OTHERS, OF ROXBOROUGH:--Petition of, for compensation for Work performed by them under public Contract, (70) 429, (76) 461. Referred, (88) 602.

MONTREAL:--Petition of Mayor and Corporation and Citizens, for Amendments in the Ordinances incorporating the City of, (64) 392, (71) 431. Referred, (74) 455. A Member added in the room of another, (88) 555-556. Report, (183) 1069.

-----Vide also Anatomy; Charitable Institutions; Clerk Of The Crown In Chancery; Education And Schools; Elections, Writs Issued During The Session; Hospitals; Lumber Trade; Medicine, Practice Of; Mercantile Library Association; Montreal Bank; Montreal County; Montreal Police; Montreal Turnpikes; Montreal Water Works; Pot and Pearl Ashes; Tide Waiters; Trinity House, Montreal.

MONTREAL BANK:--Petition for an extension of time to pay in the Additional Stock, (8) 38, (14) 115.

-----House resolves to go into Committee to consider of amending the Act of 4 & 5 Vic., cap. 98, and to extend the time for paying in the Subscribed Stock, (34) 234. Considered, (34) 235-236. Resolution reported and agreed to, (37-38) 252-254. Bill presented and read, (38) 254. Second reading; Committed; Considered; Reported; To be engrossed, (56) 354. Passed, (61) 376-378. By the Council, (89) 604. Royal Assent, (130) 824. (7 Vic., cap. 46.)

-----Vide also Accounts, (12.)

MONTREAL COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Montreal County; Election, Writs Issued During The Session; Speaker.

MONTREAL POLICE:--Vide Police.

MONTREAL TURNPIKES:--Petition of Peter Morgan, and others, Parish of Montreal, and Petition of Simon Valois, and others, of the same Parish, praying relief from the high tolls collected during the Winter, and on going to and returning from Divine Service, on said Turnpikes, (64) 392, (71) 430. Petitions referred, (88) 602. Also Petition of P. C. Valois, and others; of William McIntosh, and others; of James Morgan, and others; of Rev. E. Payment, and others; of Rev. A. Duransaux, and others, referred, (102) 691, (127) 806-807, (138) 867-868, (189) 1137.

-----Petition of Hugh Brodie, Jr., Parish of Montreal for Amendments in the Act, (86) 552, (91) 663. Petition of James Morgan, and others, District of Montreal, complaining of abuses by the Trustees, (115) 761, (127) 806. (Supra.) Petition of Rev. A. Duransaux, and others, Parish of Lachine and other places, for relief from the erection of Toll Bars in the Island of Montreal, (184) 1106, (188) 1137. (Supra.)

-----Vide also Accounts, (63.)

MONTREAL WATER WORKS:--Petition of Mayor and Corporation, for certain powers and privileges in relation thereto, (21) 169, (25) 182. Referred, (39) 264. Report, (81-82) 489-491. Bill presented and read, (82) 491. Second reading; Referred to Select Committee, (109) 722. Petition of Henry Corse, and others, also referred, (110) 734. Bill reported; Committed, (120) 774. Considered, (126) 801-802.

Reported; To be engrossed, (129) 817. Passed, (133) 854. By the Council, (144) 895. Royal Assent, (209) 1209. (7 Vic., cap. 44.)

-----Petition of Henry Corse, and others, of Montreal, to be exempted from the provisions of the Bill, (99) 683, (105) 712. (Supra.)

MORGAN, CYPRIAN, OF JOHNSTOWN DISTRICT:--Petition of, to be naturalized, (8) 38, (14) 116. Referred, (43) 281. Petitions of James B. Clendenan, and others, District of Niagara; of Rev. J. F. A. S. Fayette, A. M.; of Rev. Abijah Blanchard, D.D.; of Rev. Albert George Alexander, referred, (74) 454. Also the Petition of Alexis Chandler, (76) 461. Report, (87-88) 555. Bill to naturalize Cyprian Morgan, and others, presented and read, (88) 602. Second reading; To be engrossed, (105) 709. Passed, (105) 711. Council require the Documents, &c., upon which the Bill is founded, (168) 1007. Answer by Message, (175) 1033. Bill passed by the Council with Amendments, (184) 1072. Considered and agreed to, (185) 1107. Royal Assent, (209) 1209. (7 Vic., cap. 43.)

MUNICIPAL COUNCIL DEBTS:--Question regarding Government measure to assume such; Answer, 512.

-----Question regarding Government's intention respecting; Answer, 759.

MUNICIPAL COUNCIL, DISTRICT OF BATHURST:--Petition of, that the time for the Return of the Roll to the District Treasurer be extended to the third Monday in February, in each year, (8) 38, (13) 113. Another Petition, that the Council may not be required to meet oftener than twice a year, (8) 38, (13) 113.

MUNICIPAL COUNCIL, DISTRICT OF GORE:--Petition of, to raise a loan to construct a Road, (38) 261, (43) 280. Referred, (54) 338.

MUNICIPAL COUNCIL, DISTRICT OF KAMOURASKA:--Petition of Alexander Duperré, Notary, for the payment of £100 due him by said Council, (36) 245, (42) 279.

MUNICIPAL COUNCIL, DISTRICT OF QUEBEC:--Petition of Charles Turgeon, for the payment of a certain sum due by said Council, (11) 77, (18) 152. Vide Hébert, Charles.

MUNICIPAL COUNCIL, DISTRICT OF ST. HYACINTHE:--Petition of, that provision be made for the payment of certain sums due by said Council, (7) 28, (8) 40.

MUNICIPAL COUNCIL, DISTRICT OF WELLINGTON:--Petition of, to define the limits of said District, (42) 277, (53) 335.

MUNICIPAL COUNCIL, HOME DISTRICT:--Rejected Petition, 72.

MUNICIPAL COUNCIL, WESTERN DISTRICT:--Petition of, that the District

Town be removed from Sandwich to Chatham, (13) 112, (21) 169. Another Petition, that the Councillors be remunerated while attending their duties, (64) 392, (71) 431.

MUNICIPALITIES, CANADA EAST:--Petitions for Amendments to the Ordinance constituting Municipal Authorities therein: Of Municipal Council, District of St. Hyacinthe, (7) 28, (8) 40. Of Municipal Council, District of Kamouraska, (8) 38, (14) 116. Of Alanson Cooke, and others, (8) 39, (14) 117. Of D. McLean, ((or M'Lean)), and others, District of Sydenham, (8) 39, (14) 116-117. Of Municipal Council, District of Sherbrooke, (11) 77, (18) 152. Of Municipal Council, District of Richelieu, (17) 150, (25) 182. Of H. Robinson, and others, County of Shefford, (70) 429, (76) 461. Of John S. Bostwick, and others, County of Sherbrooke, (78) 481, (87) 552. Of B. Pomroy, and others, same County, (78) 481-482, (87) 553.

MUNICIPALITIES, CANADA WEST:--Petitions for Amendments to the Act constituting Municipal Authorities therein: Of the Municipal Council, District of Simcoe, (7) 29, (9) 41. Of Edward Ryall, and others, (7) 38, (13) 118. Of Municipal Council, District of Johnstown, (8) 38, (14) 116. Of Municipal Council, District of Wellington, (42) 277, (53) 335. Of Municipal Council, Western District, two Petitions, (64) 393, (71) 431, (70) 429, (76) 461. Of John H. Cornell, and others, District of Brock, (73) 453, (79) 482. (Infra.)

-----Petition of Thomas Jenkins, Sr., of the District of Talbot, for Amendments in Municipal Council Act, (64) 393, (71) 431.

-----Bill to repeal the Act constituting Municipal Authorities therein, presented and read, (66) 397. Second reading; Committed; Considered; To be engrossed, (83) 496.

-----Bill to provide for the Incorporation of the Townships, Towns, Counties and Cities, in Upper Canada, presented and read, (66) 397-398. Second reading; Committed, (83) 497. Petition of John H. Cornell, and others, referred, (102) 691. Considered, (105) 709, (112) 742-744, (114-115) 758, (121) 783, (122-123) 790-791, (144) 893. Order for Consideration postponed, (153) 944. Report of Select Committee, on Limits and Divisions of Towns, &c., in Upper Canada, referred to the Committee of whole on the Bill, (195) 1159. Again considered, (196) 1162, 1163. Reported; To be engrossed, (196) 1163. Third reading, (203) 1184. Certain clauses added to the Bill, (203) 1184-1185. Passed, on division, (204) 1185-1186.

-----Petition of Municipal Council, Home District, for Amendments to the Bill before the House, for the Incorporation of Townships, &c., in Upper Canada, (152) 928, (166) 1001. Petition of Charles Smith, and others, that the Town of Dundas, in the District of Gore, be included in the Bill, &c., (171) 1022, (180) 1062.

MURNEY, EDMUND:--Refused swearing-in ceremony, 697.

N

NATURALIZATION:--Vide Alexander, Albert George; Barbier, Jacques Adrien Pierre, and Wife; Blanchard, Rev. Abijah, D.D.; Chandler, Alexis; Fayette, Rev. J.F.A.S., A.M.; Morgan, Cyprian, Of Johnstown District.

NAVIGATION:--Petition of Municipal Council, District of St. Hyacinthe, for the improvement of the River Yamaska, (7) 28, (8) 40.

-----Petition of John T. Caldwell, and others, for reduction of Taxes and dues levied at Quebec, on Vessels navigating the Gulf of St. Lawrence, (7) 29, (9) 42. Referred, (9) 42-43. Report, (92-93) 665-667. Committed, (93) 667. Considered, (139) 874. Resolution reported and agreed to, (143) 890. Bill presented and read, (143) 890. Second reading; Committed; Considered, (151) 924. Reported, (152) 929. Report agreed to, (170-171) 1017. To be engrossed, (171) 1017. Passed, (171) 1022. By the Council, (184) 1071. Reserved for Her Majesty's pleasure, (210) 1211.

-----Bill to define the character of all Vessels engaged in the Navigation of the Inland Waters and Lakes of this Province, &c., presented and read, (195) 1158-1159. Order for second reading, (195) 1159.

-----Committee to inquire into improving Navigation of St. Lawrence. Notice of Motion, 241. Motion, 257-258. Withdrawn Motion, 258.

NEW ADMINISTRATION:--Motion for an Address to His Excellency expressing the sense of the House at the delay in the formation of a new Administration, &c., (198) 1170-1171. Consideration thereof postponed; To be printed, (198) 1171. Motion considered, (204) 1187-1188. Correction proposed, (204) 1188. Amendment to main motion negatived, (204-205) 1188-1189. Another Amendment negatived, on division, (205) 1189-1191. Another Amendment, agreed to unanimously, (205) 1191-1192. -----Vide also Resignation Of Executive Councillors.

NEWFOUNDLAND AND BRITISH NORTH AMERICAN SCHOOL SOCIETY:--Petition of Rev. Mark Willoughby, Superintendent, for aid, (61) 376, (65) 394.

NIAGARA CANAL COMPANY:--House resolves to go into Committee to consider of repealing and amending certain parts of the Act of Incorporation; Considered, (85) 528. Resolution reported and agreed to, (85) 528-529. Bill presented and read, (85) 529. Order for second reading, (85) 529.

NIAGARA DISTRICT:--Petition of John Harris, and others, that the said District be divided, (50) 314, (57) 360. Referred, (83) 523. Petition of Municipal Council of said District, that the District Town be at Port Robinson, (166) 1001, (171) 1023. Petition referred, (177) 1050. The Entries of JOURNALS of 26 December 1842, on Petition of Richard Brown, and others, also referred, (114) 750. The Committee to report by Bill or otherwise, (177) 1050. Petition of John De Cow, and others, also referred, (178) 1050. Report, (199) 1172.

NIAGARA DISTRICT BANK:--Petition of George Adams, and others, for an extension of the time limited for the payment of the Capital Stock, (79) 482. Referred, (79) 483-484. Bill presented and read, (85) 527. Second reading; Committed, with an Instruction to consider the expediency of repealing the Clause, requiring security to double the amount of the Stock paid in, (151) 923. Considered, (170) 1016-1017. Reported, (176) 1043-1044. To be engrossed, (176) 1044. Passed, (177) 1049. By the Council, (184) 1071. Reserved for Her Majesty's Pleasure, (210) 1210.

NIAGARA MARKET:--Bill to vest the Market Block, in the Council of the Town of Niagara, presented and read, (131) 826. Second reading; To be engrossed, (176) 1044. Passed, (177) 1048. By the Council, (184) 1070. Reserved for Her Majesty's Pleasure, (210) 1210.

NIAGARA TOWN:--Motion to incorporate said town and to establish a police force; Withdrawn Motion, 272.

NORTH AMERICAN COLONIAL ASSOCIATION OF IRELAND:--Petition of Eden Colville, Agent, for further powers to said Association, (24) 180, (33) 230. Referred, (57) 361. Report, (80) 485-486, (80-81) 486-489. Committed; To be printed, (147) 907.

-----Bill to give further powers to the said Association, presented and read, (82) 492. Second reading; Committed, (115) 756. Order read, (198) 1167.

-----Imperial Act relating thereon, to be printed, (122) 789.

NOTARIAL EVIDENCE:--Vide Proof Of Laws.

NOTARIAL PROFESSION:--Bill to regulate the Notarial Profession in Lower Canada, presented and read, (135) 858. Second reading; Referred, (143) 892.

O

OATHS:--Petition of Municipal Council, Western District, that the Town Clerk may administer the oath to Township Officers, (64) 392, (71) 431. -----Vide also Assessors; Justices' Oath Administration.

OBSTRUCTIONS IN RIVERS:--Bill to prevent obstructions in Rivers and Rivulets in Upper Canada, presented and read, (41) 270. Second reading; Referred, (63) 388. Report; Bill and Report committed, (67) 414. Considered, (109) 722-724. Reported, (111) 738. Bill to be engrossed, (112) 738. Order for third reading discharged, and the Bill re-committed, (126) 801. Considered; Reported; To be engrossed, (151) 924. Passed, (152) 928. By the Council, (167) 1006. Royal Assent, (209) 1209. (7 Vic., cap. 36.)

ODD FELLOWS:--Vide Secret Societies.

ODELL, LOOP:--Petition of, for reimbursement of certain sums of money, as Commissioner for erection of Court Houses and Gaols in the Country Parishes, (32) 229, (38) 261.

OFFICIAL ACTS:--Vide Ottawa District.

ORANGE SOCIETIES:--Vide Secret Societies.

ORDERS:--Vide Standing Orders.

ORDINANCES:--Vide Acts And Ordinances.

ORDNANCE DEPARTMENT:--House resolves to go into Committee to consider of repealing certain Ordinances of Lower Canada, and an Act of Upper Canada, on the subject of certain Estates and Property of said Department; Considered, (189) 1138. Three Resolutions reported and agreed to, (189) 1138-1139. Bill presented and read, (189) 1139. Second reading; Committed, (196) 1161-1162. Considered, (199) 1173-1174. Reported, (199) 1174. Vide Questions Negatived, (36.) To be engrossed, (200) 1174. Passed, (202) 1180. By the Council with an Amendment, (202) 1181. To be considered; Considered; Agreed to, (202) 1181. Royal Assent, (209) 1208. (7 Vic., cap. 11.)

OTTAWA COUNTY:--Petition of Charles Symes ((or Symmes)), and others that said County be erected into an inferior District, (32) 229, (38) 262.

OTTAWA DISTRICT:--Petition of Charles A. Lowe ((or Low)), and others, to confirm certain official Acts therein, (61) 376, (64) 394.

OTTAWA DISTRICT COURTS:--Bill to confirm certain official Acts in the Offices of the Registrar, Clerk of the Peace, District and Surrogate Courts of said District, presented and read, (85) 527. Order for second reading, (126) 801. Second reading; To be engrossed, (136) 863. Passed, (137) 867. By the Council, (148) 915. Royal Assent, (209) 1209. (7 Vic., cap. 38.)

OTTAWA DISTRICT LAND TAX:--Bill to explain an Act of Upper Canada, confirming certain Sales of Lands for taxes therein, presented and read, (72) 433. Second reading, (125) 800-801. Committed; Considered; Reported; To be engrossed, (125) 801. Passed, (126) 805. By the Council, (167) 1006. Royal Assent, (209) 1209. (7 Vic., cap. 37.)

OUTRAGES AT ELECTIONS:--Vide Elections, General, Outrages At.

OXFORD EAST:--Petition of Robert Currie, and others, for a correct division of the Township of, (70) 429, (76) 461.

P

PARLIAMENT:--Vide Provincial Parliament.

PARTY PROCESSIONS:--Bill to restrain Party Processions in certain cases, presented and read, (29) 210. Second reading; Committed, (66) 398. Considered, (66) 398-408. Again considered, (72) 438-447. Reported, (75) 456. Vide Questions Negatived, (10.) To be engrossed, (75) 457. Passed, (75) 460. By the Council, (110) 733. Royal Assent, (209) 1208. (7 Vic., cap. 6.)

PATRICK, THADDEUS:--Junior Clerk in office of the Legislative Assembly, Petition for remuneration for past services, (184) 1106, (188) 1137. Referred, (189) 1137. Report, (201) 1178.

PENINSULA OF NEWCASTLE:--Petition of John Vandal Ham, that the said Peninsula be attached to the Township of Cramahe, (21) 169, (25) 182.

PENITENTIARY:--Vide Provincial Penitentiary.

PENSIONS:--Petition of Jean Durocher, of St. Matthieu de Beloeil, for a pension, for a wound received from a Sentry, (8) 38, (13) 114. Petition of Peter Lampman and Adam Stull, for continuance of their Pensions as wounded Militia Men, (8) 38, (14) 116. Petition of Isaac Heliker ((or Helliker)), District of Montreal, for an increase of Pension, (180) 1061, (188) 1137.

PETERBOROUGH COUNTY:--Petition of Municipal Council, District of Colborne, that the whole of said County be represented by one Member, (6) 28, (8) 40. Withdrawn Petition, 128.

PETITIONS:

KEY TO PETITIONS PRESENTED AND READ.

A

Adams, George, and others: vide Niagara District Bank.
Agricultural Society, County of York: vide Agriculture.
Agricultural Society, District of Two Mountains: vide Winter Carriages.
Alexander, Albert George.

Alexander, Rev. Thomas, and others: vide Collegiate Institutions.
Appleby, J. D.: vide below, Ketchison ((or Ketcheson)), William, Jr.,
J.D. Appleby, and P.V. Elmore.

Arcand, Narcisse, and others: vide Pilots.

Archambault, Very Rev. P. L. ((or P. S.)), and others: vide Roads And Bridges.

Arnold, George, and others: vide Customs House.

Atkinson, Usborn ((or Usborne)), Messrs., & Co.: vide Roads And Bridges.

Austerberry, William: vide Petitions Presented But Not Read.

B

Baby, J. B., and others: vide Seat Of Government.
 Baker, William, and others: vide Education And Schools.
 Baldwin, W. W., and others: vide Duty On Imports.
 Balfour, Rev. Andrew: vide Education And Schools.
 Bank of Montreal: vide Montreal Bank.
 Baptist Union, Members of Executive Committee: vide Collegiate Institutions.
 Barbier, Jacques Adrien Pierre, And Wife.
 Barclay, Robert, and others: vide Claims For Losses.
 Barker, William, and others: vide Collegiate Institutions.
 Bates, Joshua, and others: vide Small Causes, Upper Canada.
 Beam, Jacob, and others: vide Collegiate Institutions.
 Beaumont, Rev. P., and others: vide St. Jean Chrysostome.
 Bell, Aeneas.
 Bell, Ebenezer, and others: vide Taverns.
 Bell, Julia.
 Bell, William, and Malcolm Cameron: vide Tay Navigation Act.
 Belton, George, and others: vide Hops.
 Benoit, Laurent, Jr., and others: vide Winter Carriages.
 Berford, John Fitzwilliam: vide Land Granting.
 Bessette ((or Bessett)), Joseph, and others: vide Chambly Canal.
 Bethune, Rev. John, and others: vide Provident Mutual Life Endowments.
 Bishop of Montreal: vide Church Society, Diocese of Quebec; Diocesan College, Quebec.
 Bishop of Toronto: vide Collegiate Institutions; Education And Schools.
 Black, Rev. David, and others: vide Collegiate Institutions; McGill College; Temporalities Of Church Of Scotland.
 Blanchard, Rev. Abijah, D. D.
 Blanchard, W. G., and others: vide Roads And Bridges.
 Board of Trade, Toronto: vide Assessment Bill; Insolvent Debtors.
 Bonner, John, And William Petry.
 Bostwick, John S., and others: vide Administration Of Justice, Lower Canada; Municipalities, Canada East.
 Bouchette, Joseph.
 Bourassa, Rev. J. B., and others: vide Education And Schools.
 Brassard and Mignault, Rev. Messrs., and others: vide Toll Exemption.
 Brennan, Patrick, Of Montreal.
 Bridgman, George, and others: vide Duty On Imports.
 Briggs, E. J., and others: vide District And Division Courts.
 Brodie, Hugh, Jr., and others: vide Montreal Turnpikes.
 Brongdeest, J. S., and others: vide Education And Schools.
 Brooks ((or Brookes)), Samuel, and others: vide Roads And Bridges.
 Brown, John, and others: vide Taxes.
 Bullock, Increase, and others: vide Roads And Bridges.
 Burland, Benjamin, and others: vide Customs House Employees.
 Burwell, John: vide Registration.

C

Cadman, Joshua M., and others: vide Small Causes, Upper Canada.
 Caldwell, John T., and others: vide Navigation.
 Caldwell, Sir Henry J., and others: vide Lumber Trade.
 Caledon District Council: vide Education And Schools.
 Cameron, Malcolm: vide above, Bell, William, and Malcolm Cameron.
 Cameron, W. T., and others: vide Collegiate Institutions.
 Campbell, A.: vide below Hubbs, B., A. Campbell, and W. Rorke.
 Campbell, Hugh, and others: vide Collegiate Institutions.
 Carron, Rev. J. Z., and others: vide Administration Of Justice, Lower Canada; Commissioners Courts; Licenses.
 Cawston, John, and others: vide Petitions Presented But Not Read.
 Cazeau, Charles, and others: vide Lumber Trade.
 Cazeau, Rev. C. F., and others: vide Charitable Institutions.
 Chandler, Alexis.
 Chapman, A. C., and others: vide Clarenceville Academy.
 Chesser, John, and others: vide Petitions Presented But Not Read.
 Chisholm, George K.
 Chitty, John, and others: vide Roads And Bridges.
 Cinq Mars, François, and others: vide Pilots.
 Clendennan, James B., and others: vide Blanchard, Rev. Abijah, D. D.
 Cleveland, G. B., and others: vide Roads And Bridges.
 Colville, Eden, and others: vide Beauharnois Canal; North American Colonial Association Of Ireland.
 Colvin, John, and others: vide Debtors.
 Congregation, Trinity Church, Chippewa: vide Claims For Losses.
 Connell, David, and others: vide Registration.
 Cook, Rev. John, and others: vide Education And Schools.
 Cooke, Alanson, and others: vide Municipalities, Canada East.
 Corbett, Thomas A., and others: vide Trust And Loan.
 Corbitt, James, and others: vide Census.
 Cornell, John H., and others: vide Municipalities, Canada West.
 Cornell, William, and others: vide Small Causes, Upper Canada.
 Corporation of l'Assomption College: vide L'Assomption College.
 Corse, Henry, and others: vide Montreal Water Works.
 Council of King's College: vide Collegiate Institutions.
 Cozens, Joshua Y.
 Craig, John, and others: vide Duty On Imports.
 Crevier, E., and others: vide Roads And Bridges.
 Croft, Henry A., and William C. Gwynne: vide King's And Upper Canada College.
 Crooks, Hon. James: vide Claims For Losses.
 Crysler, John, and others: vide Roads And Bridges.
 Cuggy, Patt ((or Pate)).
 Cunningham, Charles, and others: vide Fish And Fisheries.
 Curtis, Cumfort, and others: vide Boundary Lines.
 Currie, Donald.
 Currie, Robert, and others: vide Oxford East.

D

Daley, John C. W., and others: vide Petitions Presented But Not Read.
 Daut, Jean Baptiste, and others: vide Winter Carriages.
 Day, Thomas H., and others: vide Education And Schools.
 De Beaujeu, Saveuse, and others: vide Roads And Bridges.
 De Bellefeuille, J. Lefebvre, and others: vide Claims For Losses.
 De Cow, John, and others: vide Glass; Haldimand County.
 De Longueuil, Hon. Grant, and others: vide Quarter Sessions.
 Denison, George T., Jr., and others: vide Toll Gates.
 Desautels, Rev. Joseph: vide Education And Schools.
 D'Eschambault, Guillaume.
 Dickson, Andrew: vide Sheriff's Fees.
 Doane ((or Doan)), Charles, and others: vide Salaries Of Public Officers.
 Donegani, Joseph: vide Aliens.
 Ducharme, Rev.: vide St. Thérèse College.
 Duperré, Alexander: vide Municipal Council, District Of Kamouraska.
 Duransaux, Rev. A., and others: vide Montreal Turnpikes.
 Durocher, Jean: vide Pensions.
 Durocher, Rev. J., and others: vide District And Division Courts; Duty On Imports.
 Duval, J., and others: vide Quebec District Education Society.

E

Elder, William, and others: vide Williams Township.
 Elmore, P. V.: vide below, Ketchison ((or Ketcheson)), William, Jr., J. D. Appleby, and P. V. Elmore.
 Ermatinger, C. O., and others: vide Education And Schools.
 Esinhart, Godfrey, and others: vide Licenses.
 Esson, Rev. H., and others: vide Temporalities Of Church Of Scotland.
 Esty, Benjamin, and others: vide Roads And Bridges.
 Evans, Francis, and others: vide Clergy Reserves.

F

Fayette, Rev. J. F. A. S., A. M.
 Ferrie, Hon. Adam: vide Canada Inland Forwarding Company.
 Findlay, Alexander, and others: vide Elections Controverted, Russell County.
 Fingland, Thomas, and others: vide Hamilton And Brantford Road.
 Flint, Billa, and others: vide Medicine, Practice Of.
 Fogg, George W., and others: vide District And Division Courts; Registration; Small Causes, Lower Canada.
 Fordyce, A. Dingwall, and others: vide Collegiate Institutions.
 Forsyth, Joseph, and others: vide Land Granting.
 Foss, Joshua: vide Roads And Bridges.
 Fraser, Alexander: vide Boyer River Bridge.
 Fraser, P. D., and others: vide Taxes.
 Fraser, William, and others: vide Collegiate Institutions.
 Freeland, Peter, and others: vide Duty On Imports.

G

Gagnon, Rev. C., and others: vide Roads And Bridges.
 Gale, Rev. A.: vide Collegiate Institutions.
 Garrick, James, and others: vide Temporalities Of Church Of Scotland.
 Gemmell ((Or Gemmill)), Rev. John.
 Gilbert, E.B., and others: vide Toronto.
 Gillespie, Moffatt, Messrs. & Company: vide Bastard Sugar.
 Glasford, Paul, and others: vide Gaols And Court Houses.
 Glass, H., and others: vide Temporalities Of Church Of Scotland.
 Good, David, and others: vide Education And Schools.
 Goodman, Henry R., M. D., and others: vide Small Causes, Upper Canada.
 Goodsill, Curtis, and others: vide Assessors.
 Goodwin, John, and others: vide Collegiate Institutions.
 Gordon, William, and others: vide Education And Schools.
 Gourlay, Robert Fleming.
 Governors of McGill College: vide McGill College.
 Graham, H., and others: vide Auctioneers.
 Grece, Charles F., and others: vide Duty On Imports.
 Greig, James, and others: vide Education And Schools.
 Gwynne, William C.: vide above, Croft, Henry A., and William C. Gwynne.

H

Hale, W. A., and others: vide Roads And Bridges.
 Hall, Geoffrey B., and others: vide Walpole Township.
 Ham, John Vandal: vide Peninsula Of Newcastle.
 Hamilton, Henry, and others: vide Education And Schools.
 Harris, John, and others: vide Niagara District.
 Harrison, Hon. Samuel Bealey.
 Heath, James G., and Co.: vide Bastard Sugar.
 Hebbard ((or Hebbart)), Josiah, and others: vide Seigniorial Tenure.
 Hébert, Charles.
 Heon, Charles, and others: vide Roads And Bridges.
 Higginson, Thomas, and others: vide Roads And Bridges.
 Hiliker ((or Helliker)), Isaac: vide Pensions.
 Hill, William, and others: vide Hamilton, Town Of.
 Hitchcock, H. W., and others: vide Roads And Bridges.
 Hodgins, James, and others: vide Williams Township.
 Hodgins, Robert, and others: vide Williams Township.
 Holmes, Andrew, and others: vide Temporalities Of Church Of Scotland.
 Holmes, A. F., M. D., and others: vide McGill College.
 Hopkins, R. J., and others: vide Small Causes, Upper Canada.
 Hoyle, Robert: vide Customs House Employees.
 Hubbs, B., A. Campbell, and W. Rorke: vide Boundary Line Commissioners.
 Hunt, William, and others: vide Cataragui Bridge.
 Hyndman, C. M.: vide Judicature.

J

Jackson, C., and others: vide Charleston Academy.
 Jarron, John, and others: vide Taxes.
 Jenkins, Thomas, Sr.: vide Municipalities, Canada West.
 Jetté, Amable: vide Census.
 Jewett, Uriah, and others: vide Fish And Fisheries.
 Johnston, Adam, and others: vide Boundary Lines.
 Jolivet, J., and others: vide Registration.
 Jones, R., and others: vide Roads And Bridges.

K

Kains, Thomas, and others: vide Roads And Bridges.
 Kendrick, A. W., and others: vide Roads And Bridges.
 Keroot ((or Keroot)), William, and others: vide Caledonia.
 Kerr, Adam, and Company: vide Petitions Presented But Not Read.
 Kerr, Miss Margaret, and others: vide Charitable Institutions.
 Ketchison ((or Ketcheson)), William, Jr., and others: vide Boundary Line Commissioners.
 Ketchison ((or Ketcheson)), William, Jr., J. D. Appleby, and P. V. Elmore: vide Boundary Line Commissioners.
 Kidd, Mrs. Catharine Jane.
 Kilborne ((or Kilborn)), Alexander, and others: vide Duty On Imports; Roads And Bridges.
 Kingston, John F.: vide Roads And Bridges.
Kingston Marine Railway.

L

Ladies of the Committee of Management, Lying-in Hospital, Montreal: vide Charitable Institutions.
 Lambe, J. Henry, and others: vide Seigniorial Tenure.
 Lampman, Peter, and Adam Stull: vide Pensions.
 Lansing, John G., and others: vide Claims For Losses.
 Laurin, Joseph, Attorney: vide Claims For Losses.
 Laurin, Joseph, and others: vide Seigniorial Tenure.
 Lauzon, Christophe, and others: vide Claims For Losses.
 Laviolette ((or LaViolette)), J. B.: vide Claims For Losses.
 Laviolette, J. G.: vide below, St. Germain, H., and J. G. Laviolette.
 Légault, Xavier ((or Xavier)), and others: vide Isle Bizare.
 Leggett, William: vide above, Burland, Benjamin, Louis C. Vandal, and William Leggett.
 Lemoine, B. H., and others: vide Education And Schools.
 Leonard, William, Of New Carlisle.
 Leprohon, E. M., and others: vide Pot And Pearl Ashes.
 Lowe ((or Low)), Charles A., and others: vide Hawkesbury Township; Ottawa District.

Lownsbury, G. R., and others: vide Collegiate Institutions; McGill College.
 Lussier, Paul, and others: vide Commissioners Courts; District And Division Courts; Duty On Imports; Steam Boats.

M

Machar, Rev. John: vide Temporalities Of Church Of Scotland.
 Macintosh, William, and others: vide Roads And Bridges.
 Mackenzie, David, and others: vide Education And Schools.
 MacKenzie ((or McKenzie)), Rev. Donald, and others: vide Collegiate Institutions.
 Mackie, Rev. George, and others: vide Education And Schools.
 Maine, Francis, and others: vide Claims For Losses.
 March, Edward: vide Customs House Employees.
 Masson, Damase: vide Claims For Losses.
 Matthews, George, and others: vide Secret Societies.
 Mayor and Corporation of Kingston: vide Kingston.
 Mayor and Corporation of Montreal: vide Montreal; Montreal Water Works.
 McColl, Rev. Alexander C., and others: vide Collegiate Institutions.
 McCuaig, ((or M'Cuaig)), Effy.
 McCulloch, W. F., and others: vide Petitions Presented But Not Read.
 McDonald, Alexander, and others: vide Elective Franchise.
 McDonald, Donald A.: vide Beauharnois Canal.
 McDonald, Thomas, and others: vide Collegiate Institutions.
 McElheran, Mrs. Jane.
 McGill, Peter, and others: vide Education And Schools.
 McGillivray, John, and others: vide Petitions Presented But Not Read.
 McKenzie, Rev. Donald: vide above, MacKenzie ((or McKenzie)), Rev. Donald, and others.
 McLean ((or M'Lean)), D., and others: vide Municipalities, Canada East.
 McLeod, Duncan, and others: vide Petitions Presented But Not Read.
 McLeod, George, and others: vide Williams Township.
 McMahon, Thomas, and others: vide Small Causes, Upper Canada.
 McNaughton, William, and others: vide Temporalities Of Church Of Scotland.
 M'Cuaig, Effy: vide above, McCuaig ((Or M'Cuaig)), Effy.
 Medical Board, Montreal: vide Anatomy; Medicine, Practice Of.
 Members of the Bar, Quebec: vide Administration Of Justice, Lower Canada.
 Ménard, Rev. Pierre: vide Claims For Losses.
 Mercantile Library Association.
 Mignault, Rev. Pierre M.: vide Chambly College.
 Millar, George, and others: vide Collegiate Institutions.
 Millar, John.
 Millar, William, and others: vide Collegiate Institutions.
 Minister and Congregation, St. Andrew's Church, Montreal: vide Temporalities Of Church Of Scotland.
 Minister and Elders, Perth: vide Temporalities Of Church Of Scotland.
 Minister and Session, Brockville: vide Temporalities Of Church Of Scotland.
 Minister, Elders and Congregation, Presbyterian Church, Dundas: vide Temporalities Of Church Of Scotland.

Minister, Elders and Trustees, St. Paul's Church: vide St. Paul's Church, Montreal.

Minister, Elders, Trustees and Managers, St. Andrew's Church, Hamilton: vide Temporalities Of Church Of Scotland.

Miville De Chêne, Jean Baptiste: vide Claims For Losses.

M'Lean, D., and others: vide above, McLean ((or M'Lean)), D., and others.

M'Lean, Thomas, and others: vide Zorra Township.

Modizwell, Robert, and others: vide Taxes.

Moffatt: vide above, Gillespie, Moffatt, Messrs. & Company.

Montgomery, John, Sr., And Others, Of Roxborough.

Montreal Board of Trade: vide Lumber Trade; Pot And Pearl Ashes; Trinity House, Montreal.

Montreal Medical Board: vide above, Medical Board, Montreal.

Moore, Thomas, and others: vide Collegiate Institutions; McGill College.

Morgan, Cyprian, Of Johnstown District.

Morgan, James, and others: vide Montreal Turnpikes.

Morgan, Peter, and others: vide Montreal Turnpikes.

Morris, George, and others: vide Petitions Presented But Not Read.

Morris, John, and others: vide Circuit Court.

Morris, Lt. Col. William, and others: vide Duty On Imports.

Morton, James, and others: vide Kingston Mineral Wells.

Mosher, Henry: vide below, Smith, Major, and Henry Mosher.

Mullon, Thomas, and others: vide Tide Waiters.

Municipal Council, Bathurst District: vide Licenses; Municipal Council, District Of Bathurst; Roads And Bridges.

Municipal Council, Brock District: vide Forwarders; Registration.

Municipal Council, Colborne District: vide Peterborough County; Roads And Bridges.

Municipal Council, Gore District: vide Boundary Lines; Duty On Imports; Municipal Council, District Of Gore; Small Causes, Upper Canada.

Municipal Council, Home District: vide Assessment; Gaols And Court Houses; Municipal Council, Home District; Municipalities, Canada West.

Municipal Council, Johnstown District: vide Education And Schools; Municipalities, Canada West; Roads And Bridges.

Municipal Council, Kamouraska District: vide Administration Of Justice, Lower Canada; Municipalities, Canada East; Registration; Winter Roads.

Municipal Council, Midland District: vide Macadamized Roads.

Municipal Council, Niagara District: vide Boundary Lines; Duty On Imports; Licenses; Niagara District; Sessional Allowance; Taxes.

Municipal Council, Ottawa District: vide Roads And Bridges.

Municipal Council, Richelieu District: vide Duty On Imports; Municipalities, Canada East; Registration.

Municipal Council, Rimouski District: vide Administration Of Justice, Lower Canada; Commissioners Courts; Education And Schools; Registration; Winter Roads.

Municipal Council, St. Hyacinthe District: vide Commissioners Courts; Duty On Imports; Education And Schools; Municipal Council, District Of St. Hyacinthe; Municipalities, Canada East; Navigation.

Municipal Council, Sherbrooke District: vide Education And Schools; Municipalities, Canada East.

Municipal Council, Simcoe District: vide Education And Schools; Licenses; Municipalities, Canada West.
 Municipal Council, Sydenham District: vide Gaols And Court Houses; Municipalities, Canada East.
 Municipal Council, Talbot District: vide Assessment.
 Municipal Council, Victoria District: vide Licenses; Taxes.
 Municipal Council, Wellington District: vide Assessment; Education And Schools; Municipal Council, District Of Wellington; Municipalities, Canada West; Statute Labour; Wilmot Township.
 Municipal Council, Western District: vide Assessors; Duty On Imports; Education And Schools; Imprisonment For Debt; Municipal Council, Western District; Municipalities, Canada West; Oaths; Roads And Bridges; Taxes; Wolf Bounty.
 Murray, James, and others: vide Williams Township.

O

Odell, Loop.

Ouellet, Joseph: vide Census.

P

Painchaud, Mrs. M. G. P., and others: vide Charitable Institutions.
 Paquet, Joseph, and others: vide Pilots.
 Paré, Rev. Jean Romuald: vide Convent, St. Jacques De L'Achigan.
Patrick, Thaddeus.
 Patton, Andrew: vide Customs House Employees.
 Payment, Rev. E., and others: vide Roads And Bridges.
 Peel, Edmund, and others: vide Commissioners Courts.
 Petrie, Archibald, and others: vide Elections Controverted, Russell County.
 Phelan, Right Rev. Patrick: vide Seminaries.
 Phillips, William, and others: vide Claims For Losses.
Pigott, Mrs. Jane.
Pomfrey, Samuel.
 Pomroy, B., and others: vide Education And Schools; Municipalities, Canada East.
 Portt, William and George: vide Claims For Losses.
Powell, Mrs. Margaret.
Pozer, George.
 Presbyterian Church, Cavan: vide Temporalities Of Church Of Scotland.
 Presbyterian Congregation, Lochiel: vide Petition Presented But Not Read.
 Presbyterian Congregation, Smith's Falls: vide Petition Presented But Not Read.
 President and Directors of Cataraqui Bridge: vide Cataraqui Bridge.
 President and Directors of Shefford Academy: vide Shefford Academy.
 President and Governors, Montreal Hospital: vide Hospitals.
 President and Members of Canada Baptist Union: vide above, Baptist Union, Members Of Executive Committee.
 President and Members, Quebec British and Canadian School Society: vide Education And Schools.

President and Members of Quebec Literary and Historical Society: vide Quebec Literary And Historical Society.
 Price, Jacob, and others: vide Collegiate Institutions; McGill College.
 Price, William: vide Lumber Trade.
 Pridham, Edwin, and others: vide Duty On Imports.
 Prince Edward Agricultural Society: vide Duty On Imports.
 Protestant Female Orphan Asylum, Quebec: vide Charitable Institutions.
 Proulx, Thomas, and others: vide Petitions Presented But Not Read.

Q

Quebec Female Orphan Asylum: vide above, Protestant Female Orphan Asylum, Quebec.

R

Razienne ((or Raizenne)), Ignace: vide Claims For Losses.
 Rea, Alexander.
 Rees, William: vide Lunatic Asylum.
 Reid, Mrs. Elizabeth M., and others: vide Charitable Institutions.
 Reid, Hon. James, and others: vide Charitable Institutions.
 Rice, Israel.
 Richardson, Mrs. Prudence: vide Boundary Line Commissioners.
 Richey, Josias: vide Surveying.
 Robinson, H., and others: vide Commissioners Courts; Duty On Imports; Education And Schools; Internal Improvements; Municipalities, Canada East; Registration; Roads And Bridges.
 Robinson, Newby, and others: vide Imprisonment For Debt.
 Rogers, John, and others: vide Gore Of Chatham.
 Rogers, Rev. J. M., and others: vide Collegiate Institutions.
 Rorke, W.: vide above, Hubbs, B., A. Campbell, and W. Rorke.
 Rose, John, and others: vide Small Causes, Upper Canada.
 Ross, William.
 Roy, William Henry: vide Claims For Losses.
 Russell, John, and others: vide Education And Schools.
 Russell, P. P., and others: vide Commissioners Courts.
 Ruthman, George: vide Market Regulations.
 Ryall, Edward, and others: vide Education And Schools; Municipalities, Canada West.
 Ryan, Michael, and others: vide Roads And Bridges.
 Rykert, George, and others: vide Boundary Line Commissioners.

S

Sache, Charles H., and others: vide Roads And Bridges.
 St. Andrew's Church, Quebec: vide Education And Schools.
 St. Germain, H., and J. G. Laviolette: vide Roads And Bridges.
 St. Jean, Fleury, and others: vide Seigniorial Tenure.
 Scholfield ((or Scolfield)), John, and others: vide Collegiate Institutions.

Scott, Thomas.

Scott, Thomas, and others: vide Temporalities Of Church Of Scotland.

Shaw and Torrance, Merchants: vide Bastard Sugar.

Sheppard, William: vide Quebec Literary And Historical Society.

Simard, Thomas, and others: vide Pilots.

Simpson, A., and others: vide Agriculture.

Sinclair, Dugald, and others: vide Collegiate Institutions; McGill College.

Smart, William, and others: vide Duty On Imports.

Smith, Charles, and others: vide Municipalities, Canada West.

Smith, Henry.

Smith, Henry: vide Provincial Penitentiary.

Smith, Susannah, and others: vide Charitable Institutions.

Smith, Major, and others: vide Claims For Losses.

Smith, Major, and Henry Mosher: vide Claims For Losses.

Snyder, Matthew, and others: vide Brockville Road.

Solomon, H., and others: vide Acts And Ordinances.

Sovreen, Frederick, and others: vide Petitions Presented But Not Read.

Sparks, Nicholas.

Stayner, T. A., and others: vide Education And Schools.

Stevenson, D., and others: vide Seat Of Government.

Stewart, William, and others: vide Imprisonment For Debt.

Striker, Joseph, and others: vide Boundary Lines.

Stuart, Venerable George O'Kill ((or Okill)), and others: vide Church Society, Diocese Of Quebec; Kingston.

Stull, Adam: vide above, Lampman, Peter, and Adam Stull.

Superior and Directors, Quebec Seminary: vide Quebec Seminary.

Sweeny, John, and others: vide Settlement Duties.

Symes ((or Symmes)), Charles, and others: vide Ottawa County.

T

Taite ((or Tate)), Thomas, and others: vide Roads And Bridges.

Taschereau, Antoine Charles.

Tate, Thomas: vide above, Taite ((or Tate)), Thomas, and others.

Tate, William and George: vide Trinity House, Montreal.

Taylor, James, and others: vide Duty On Imports.

Thomas, E. Cartwright, and others: vide Roads And Bridges.

Thompson, J. H., and others: vide Education And Schools.

Thompson, Rev. William, and others: vide Education And Schools.

Treadwell, Charles P., and others: vide Roads And Bridges.

Trustees of Longueuil and Chambly Turnpike: vide Longueuil And Chambly Road.

Turgeon, Charles: vide Municipal Council, District Of Quebec.

U

Urquhart, Hugh, and others: vide Collegiate Institutions.

Usborn: vide above, Atkinson, Usborn ((or Usborne)), Messrs. & Co.

V

Valois, Narcisse, and others: vide Duty On Imports.
 Valois, Olivier ((Or Oliver)), And Others.
 Valois, P. C., and others: vide Roads And Bridges.
 Valois, Simon, and others: vide Montreal Turnpikes.
 Vandal, Louis C.: vide above, Burland, Benjamin, Louis C. Vandal, and William Leggett.
 Viger, L. M., and others: vide Banque Du Peuple.
 Viger, Mrs. M. F., and others: vide Charitable Institutions.

W

Waldron, John, and others: vide Loughborough Township.
 Walker, William, and others: vide Roads And Bridges.
 Watson, George, and others: vide Petitions Presented But Not Read.
 Webb, Thomas, and others: vide Collegiate Institutions; McGill College.
 White, Reuben.
 White, Thomas, and others: vide Duty On Imports.
 Whitmore, R. H., and others: vide Commissioners Courts; District And Division Courts; Registration.
 Wilkinson, John A.: vide Claims For Losses Act.
 Willoughby, Rev. Mark, and others: vide Education And Schools; Newfoundland And British North American School Society.
 Willson, Lewis, and others: vide Duty On Imports.
 Wilson, George, and others: vide Roads And Bridges.
 Wilson, John, and others: vide Roads And Bridges.
 Wolff, Alexander Joseph.
 Woodbridge, Thomas, and others: vide Game Laws.
 Wylie, Alexander, and others: vide Temporalities Of Church Of Scotland.
 Wylie, James, and others: vide Collegiate Institutions; McGill College.

Y

Yarker, George W., and others: vide Kingston.
 York County, Fourth Riding: vide Salaries And Government Expenditures.
 Young, Andrew H., and others: vide Fish And Fisheries.
 Young, John, And Others.
 Young, R., and others: vide Williams Township.

PETITIONS PRESENTED BUT NOT READ.

Austerberry, William, (207) 1203.
 Cawston, John, and others, (207) 1203.
 Chesser, John, and others, (184) 1106.
 Daley, John C. W., and others, (207) 1203.
 Kerr, Adam, and Company, (207) 1203.
 McCulloch, W. F., and others, (207) 1203.
 McGillivray, John, and others, (61) 376.
 McLeod, Duncan, (193) 1154.

Morris, George, and others, (207) 1203.
 Presbyterian Congregation: Lochiel, (184) 1106.
 Presbyterian Congregation: Smith's Falls, (180) 1061.
 Proulx, Thomas, and others, (166) 1001.
 Sovreen, Frederick, and others, (61) 376.
 Watson, George, and others, (207) 1203.
 Williams, George, and others, (207) 1203.

PHYSIC AND SURGERY:--Vide Medicine, Practice Of.

PIGOTT, MRS. JANE:--Petition of, that the grant to her late husband for scientific services be continued in her favour, (42) 277, (54) 336.

PILOTS:--Petition of François Cinq Mars, and others, Pilots for and below the Harbour of Quebec, for an Act of Incorporation, (8) 39, (15) 117.
 Petition of Narcisse Arcand, and others, Pilots for and below the Harbours of Montreal and Quebec, that the first Montreal Pilot boarding a Vessel may have right to pilot the same to Montreal, if bound to Montreal, (8) 39, (15) 117. Petitions referred, (34) 232. The latter Petition again referred, (131) 825-826.

-----Petition of Joseph Paquet, and others, Pilots, between Montreal and Quebec, for Amendments in the Law respecting their calling, (110) 734, (116) 761. Referred, (127) 807.

-----Petition of Thomas Simard, and others, Quebec, that no alterations be made in the present tariff of Fees to Pilots, (198) 1170, (207) 1204.

POLICE:--House resolves to go into Committee to consider of altering and amending the Ordinance of Lower Canada, respecting the Police of the Cities of Quebec and Montreal; Considered; Resolution reported and agreed to, (189) 1139. Bill presented and read, (189) 1139-1140. Second reading; Committed; Reported; To be engrossed, (196) 1162. Passed, (197) 1164. By the Council, (205) 1193. Royal Assent, (209) 1208. (7 Vic., cap. 21.)

POMFREY, SAMUEL:--Petition of, for relief, in consequence of injury received while firing a Royal Salute in 1833, (21) 169, (25) 182.

POPULATION RETURNS:--Vide Accounts, (52.)

PORT DUES:--Vide Harbour And Port Dues.

PORT NEUF COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess.

POST OFFICE:--Notice of Question regarding Government control thereof, 70.
 -----Notice of Question regarding management of, 178. Question; Answer, 310.

-----Vide also Addresses, (39.); Post Office Department.

POST OFFICE DEPARTMENT:--Vide Accounts, (53.); Addresses, (39.);
Governor General, Messages From His Excellency, (11.)

POSTAGE:--Vide Contingencies.

POT AND PEARL ASHES:--Petition of E. M. Leprohon, and others, of Montreal, for certain Amendments to the Act regulating the Inspection thereof, (13) 112-113, (22) 170. Petition of the Montreal Board of Trade, against such Amendments, (56) 360. Petitions referred, (39) 264, (57) 360. Report, (67) 414.

POWELL, MRS. MARGARET:--Petition of, for remuneration as late House-keeper to the Executive Council, in Upper Canada, (38) 261, (43) 281.

POZER, GEORGE:--Petition of, for relief, concerning the removal of certain door steps in Quebec, (36) 246, (43) 280. Referred, (44) 282.

PRESERVATION OF DEER:--Vide Game Laws.

PRINCE ALBERT:--Vide Accounts, (54.); Governor General, Messages From His Excellency, (1.)

PRINCE EDWARD ISLAND:--Vide Accounts, (55.); Speaker.

PRINCE OF WALES:--Vide Accounts, (54, 61.); Governor General, Messages From His Excellency, (1.)

PRINTING:--Amendment to Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 154-156. Amendment carried, on division, (19) 156. Amended Motion passed, on division, (19) 156-157. Standing Committee on, appointed, (34) 233. FIRST REPORT: Printing during the Session, Committed, (83) 523. Considered, (104) 708. Resolution reported and agreed to, (109) 722. SECOND REPORT: Printing JOURNALS and Appendix of the Session, Committed; Considered, (138) 868. Resolution reported and agreed to, (142) 886.

-----Matters ordered to be printed, (20) 160, (24) 177, (28) 204, (33) 231, (41) 270, (47) 292, 293, (49) 301, (52) 319, (56) 357, (66) 398, (75) 456, (89) 603, (99) 680-681, (102) 691, (103) 700, (107) 717, (109) 721, (122) 789, (127) 812, (137) 867, (138) 868, (145) 904, (147) 907, (163) 974, (178) 1051, (183) 1069, (189) 1138, (195) 1161, (198) 1171, (201) 1177, (208) 1204.

-----Consideration of printing certain matters postponed, (82) 492-494.

-----Vide also Clerk Of The House.

PRIVATE BILLS:--Vide Bills, Private, Standing Committee On.

PRIVILEGES AND ELECTIONS:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154. Amendment, (18) 154-156. Amendment carried, on division, (19) 156. Amended Motion

passed, on division, (19) 156-157. Standing Committee on, appointed, (34) 233. Committee to make inquiry into the circumstances of the delay of the issue and return of a Writ for the County of Hastings, (88) 556. A Member added in the room of one who has vacated his Seat, (111) 737. FIRST REPORT: On return of Writ from Hastings, (116-120) 762-774. To be considered, (120) 774. Considered; Concluded in, (146) 907. Message of His Excellency, on the subject of conducting important Measures before Parliament, referred, on division, (192) 1146-1150. A Member added to the Committee, (192) 1150. SECOND REPORT: Important Measures, concurred in, on division, (194) 1156-1157.

PROCESS OF SHERIFFS AND CORONERS:--Bill to render more Summary the enforcing Returns thereof, in Upper Canada, presented and read, (82) 492. Second reading; Committed, (104) 708. Considered, (126) 801. Reported; To be engrossed, (129) 817. Passed, (133) 855. By the Council, (144) 895-896. Royal Assent, (209) 1209. (7 Vic., cap. 33.)

PROOF OF LAWS:--Bill to facilitate the same, in Upper and Lower Canada, and to declare Protest of Notaries Public, evidence in Upper Canada, presented and read, (122) 790. Second reading; Committed, (151) 923-924. Considered, (176) 1044. Reported; To be engrossed, (178) 1052. Passed, (180) 1061. By the Council, (184) 1071. Royal Assent, (208) 1207. (7 Vic., cap. 4.)

PROTEST:--A Member of the Executive Council protests against the Report of the Committee of said Council on the subject of the Seat of Government, (28) 191.

-----Vide also Elections, Returns To Writs, Special.

PROVIDENT MUTUAL LIFE ENDOWMENTS:--Petition of Rev. John Bethune, and others, of Montreal, for an Act of Incorporation, (10) 77, (18) 151. Referred, (18) 153. Report, (50) 314.

PROVINCIAL PARLIAMENT:--Bill to continue the Provincial Parliament, in case of the death or demise of Her Majesty, Her Heirs and Successors. Notice of Motion, 24. Bill presented and read, (7) 33. Second reading; Committed, (21) 162. Considered; To be engrossed, (24) 177. Passed, (24) 180. By the Council, (62) 380. Royal Assent, (130) 824. (7 Vic., cap. 3.)

-----Bill for better securing the Independence of Parliament in this Province. Notice of Motion, 24. Bill presented and read, (19) 158. Second reading, (50) 303-305. Committed, (50) 305. Considered, (50) 305-309. Reported, (52-53) 320-327. Vide Questions Negated, (4.) To be engrossed, (53) 328. Passed, (53) 334. By the Council with Amendments, (110) 733. Amendments considered, (111) 736-737. Agreed to, (111) 737. Reserved for Her Majesty's pleasure, (210) 1210.

-----Vide also Legislative Council.

PROVINCIAL PENITENTIARY:--Petition of Henry Smith, Warden, for an increase of Salary, (8) 38, (14) 116.

-----Vide also Accounts, (56.)

PROVINCIAL SECRETARY:--Notice of Motion for information regarding his resignation and post; Answer, 34. Motion brought forward, 70. Question; Answer, 108.

-----Question regarding number and salary of Provincial Secretaries; Answer, 165.

PUBLIC ACCOUNTS:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

-----Bill to prescribe the manner in which said Accounts shall be annually laid before the Legislature, presented and read, (199) 1173. Order for second reading, (199) 1173.

-----Vide also Accounts, (57, 58, 59.)

PUBLIC DEPARTMENTS:--Vide Addresses, (40.)

PUBLIC LANDS AND SEIGNIORIAL RIGHTS:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

PUBLIC MEETINGS:--Bill for the calling, orderly holding and better preservation of the Public Peace thereat, (29) 210. Second reading; Committed; Considered, (66) 409. Reported; To be engrossed, (69) 424. Passed, (73-74) 453. By the Council with Amendments, (110) 733. Amendments considered and agreed to, (114) 749-750. Royal Assent, (209) 1208. (7 Vic., cap. 7.)

PUBLIC OFFICERS' COMMISSIONS:--Bill to save Public Officers the expense of new Commissions on demise of the Crown. Notice of Motion, 24. Bill presented read, (7) 33. Second reading; To be engrossed, (21) 162. Passed, (21) 169. By the Council, (123) 791. Royal Assent, (209) 1208. (7 Vic., cap. 8.)

PUBLIC OFFICIALS:--Motion for reduction of the number of Public Officials and their salaries in Executive, 1019-1020. Withdrawn Motion, 1020. Motion once again brought forward; Withdrawn, 1201.

-----Vide also Addresses, (7, 32, 41.); Salaries Of Public Officers.

PUNISHMENT FOR OFFENCE:--Vide Accounts, (60.)

Q

QUARTER SESSIONS:--House resolves to go into Committee to consider of repealing the laws of Upper Canada, fixing the periods of holding said Courts of; Resolution reported and agreed to; Bill presented and read, (31) 220. Second reading, (52) 319-320. Committed; Considered, Reported; To be engrossed, (52) 320. Passed, (53) 334. By the Council

with Amendments, (123) 791. Amendments considered, (128-129) 814-815. Agreed to, (129) 815. Royal Assent, (209) 1209. (7 Vic., cap. 32.)

-----Bill to alter period of holding Quarter Sessions; Withdrawn Bill, 427.

-----Petitions of Hon. Grant de Longueuil, and others, of St. John's, for the establishment of the Court of Quarter Sessions therein, (110) 734, (116) 761.

QUEBEC:--Vide Charitable Institutions; Clerk Of The Crown In Chancery; Diocesan College, Quebec; Education And Schools; Elections, Writs Issued During The Recess; La Congrégation De Notre Dame De Québec; Quebec British And Canadian School Society; Quebec Diocese; Quebec District Education Society; Quebec Literary And Historical Society; Quebec Police; Quebec Seminary; Quebec Turnpike Act; Trinity House, Quebec.

QUEBEC BRITISH AND CANADIAN SCHOOL SOCIETY:--Vide Education And Schools.

QUEBEC DIOCESE:--Vide Church Society, Diocese of Quebec.

QUEBEC DISTRICT EDUCATION SOCIETY:--Petition of J. Duval, and others, that the said Society be incorporated, (64) 392, (71) 431. Referred, (71) 432. Report, (110) 735. Bill presented and read, (120-121) 776. Second reading; Referred, (136) 863. Reported; Committed; Considered, (150) 922. To be engrossed, (151) 922. Passed, (152) 928. By the Council, (167) 1006. Royal Assent, (209) 1210. (7 Vic., cap. 50.)

QUEBEC LITERARY AND HISTORICAL SOCIETY:--Petition of William Sheppard, President, for aid, (130) 822, (138) 867. To be printed, (138) 868. Another from the President and Members, for the same, (193) 1154, (203) 1184.

QUEBEC POLICE:--Vide Police.

QUEBEC SEMINARY:--Petition of Superior and Directors thereof, that they may hold certain additional property, (24) 180, (33) 231. Printed, (33) 231.

-----Bill to authorize the Superior and Directors to hold certain additional property, presented and read, (68) 419. Second reading; To be engrossed, (78) 473. Passed, (79) 482. By the Council, (110) 733. Royal Assent, (131) 824. (7 Vic., cap. 55.)

QUEBEC TURNPIKE ACT:--Vide Agriculture.

QUEEN:--Vide Accounts, (61.); Addresses, (1, 2, 3, 4, 5.)

QUEEN'S BENCH:--Vide Court Of Queen's Bench.

QUESTIONS NEGATIVED:

1. To postpone the consideration of the Motion to print the Message of His Excellency on the subject of the Seat of Government, (28) 204.
2. For Address to His Excellency for opinion of Law Officers on subject of the application of A. M. Delisle, Clerk of the Peace, for District of Montreal, that his duty during the Sitting of Parliament be performed by deputy, &c., (32) 222-224.
3. Committee of whole to sit again on Boundary Line Commissioners Act of Upper Canada, (35) 240.
4. To recommit the Report of Committee of whole on the Bill securing the Independence of Parliament, (52-53) 320-327.
5. Amendment to Motion of Concurrence on Resolution respecting Import Duties, (59) 366-367.
6. To read the Duties on Imports Bill a second time in Six Months, (66) 409-410.
7. For a Select Committee to consider the Laws regulating the Interest of Money, (67) 415-417.
8. For a Special Committee to consider of returning to certain Districts certain sums paid into the Provincial Treasury for Members' wages, (68) 418-419.
9. Motion and Amendments thereto, on the subject of employing Reporters, (72) 433-438.
10. To recommit the bill to restrain Party Processions, (75) 457.
11. For Committee of whole on Anatomy Bill to sit again, (77) 467.
12. To recommit the Secret Societies Bill, (86) 546-548.
13. Amendments to the Motion that the Seat of Government be at the City of Montreal, (89-90) 604-657.
14. To pass the Secret Societies Bill in Six Months, (91) 662.
15. To postpone consideration of Motion to refer documents respecting Marriage Licenses, and Amendment to Motion for committal, (104) 707.
16. On Committing Bill to regulate Inspection of Lumber, &c., now, (114) 751-752.
17. On second reading, Banks liability Bill, in Six Months, (121) 779-782.
18. On referring Petition of Hon. James Crooks, (121-122) 787-788.
19. Amendments on Motion to receive the Report of Committee of whole on the Game Bill, that the Bill be recommitted, to the intent of preventing hunting or shooting on the Lord's day, (132-133) 828-830.
20. To postpone the second reading of the Assessment Bill of Upper Canada, (133) 840-850.
21. To recommit the Bill to regulate the Inspection of Timber, &c., in order that all compulsory inspection, &c., be omitted, (141-142) 884-885.
22. To recommit the Bill to provide for the management of the Customs, &c., for the purpose of striking out "Five hundred pounds" in the sixth clause, and inserting "Four hundred pounds," (142) 886-887.
23. Amendment, on Motion to read the Bank's liability Bill, in Six Months, that the same be read a third time tomorrow, (147) 911-912.
24. To add a Ryder to the 5th Clause of the Bill, to provide for the management of the Customs, &c., (147-148) 913-914.

25. To postpone the Motion for the consideration of the Amendments to Bill, on Administration of Justice, Lower Canada, (168) 1009-1010.
26. On receiving Report of Committee of whole, on Report of Select Committee, on Petition of Alexander McDonald, and others, (170) 1015-1016.
27. To postpone the debate on Address to His Excellency, on the subject of the resignation of Members of late Executive Council, (184) 1103.
28. Amendments to Address to His Excellency on the subject of the resignation of Members of late Executive Council, (186-187) 1110-1131.
29. To concur in Report of Select Committee on Petition of Effy McCuaig ((or M'Cuaig)); To Address His Excellency on same subject, (194) 1156.
30. To bring in a Bill, to borrow money to build a Court House and Gaol, in County of Haldimand, (195) 1161.
31. To refer Petition of Duncan McLeod, and others, to Committee of whole, on Bill to divide Upper Canada into Counties, (196) 1163-1164.
32. Amendment to Fifth Resolution, on the subject of the Civil List, (197) 1164-1165.
33. To postpone the consideration of a Resolution on the subject of the Office of Chief or Civil Secretary, (197) 1165-1166.
34. To discharge the Order of the Day for House in Committee on North American Colonial Association Bill, (198) 1167.
35. To introduce a Bill to annex the Townships of Alfred and Plantagenet to the County of Russell, (198) 1171.
36. To amend an Amendment made by Committee of whole on the Ordnance Bill, (199-200) 1174.
37. Amendments to proposed Address to His Excellency on the subject of a new Administration, (204-205) 1188-1191.
38. On Question respecting a Resolution of decrease in Revenue, (208) 1204-1205.
39. To read JOURNALS on the subject of carrying Bill to Legislative Council, respecting the Customs, (208) 1205-1207.
40. To revive the Order of the Day for the House in Committee on a Bill to establish a more equal and just system of Assessment, (205) 1192.
41. To adjourn the House, (89) 656.

QUORUM:--Vide Legislative Assembly.

R

REA, ALEXANDER:--Petition of, for relief from injury sustained in discharge of his duty as a Magistrate, (64) 392, (71) 431. Motion to refer to Select Committee; Withdrawn Motion, 450.

REAL ESTATE RELIEF:--Bill to afford relief in certain cases to Sellers of Real Estate in Canada West. Notice of Motion, 70. Bill presented and read, (12) 105. Second reading, (21) 162. Committed, (83) 495. Considered; Progress reported; "Shall the Committee sit again?" negatived; Bill referred, (164) 994.

REASONS:--Vide Religious Societies.

REBELLION LOSSES:--Question regarding Government's intention of adjusting them; Answer, 272. Motion for Committee to enquire, 272-275. Withdrawn Motion, 275.

-----Question regarding payment of such in Upper Canada; Answer, 512.

-----Question regarding Government's intention; Answer, 926.

RECEIVER GENERAL:--Vide Insurance Of Debt.REDUCTION OF SALARIES:--Vide Salaries.

REGISTRATION:--Petitions for Amendments to the Act relating to, in Lower Canada: Of Municipal Council, Kamouraska, (8) 38, (14) 116. Of R. H. Whitmore, and others, St. Armand, (11) 77, (18) 151-152. Of George W. Fogg, and others, County of Stanstead, (11) 77, (18) 151. Of David Connell, and others, County of Stanstead, (13) 112, (21) 170. Of Municipal Council, District of Richelieu, (17) 150, (25) 182. Of Municipal Council, District of Rimouski, (33) 230. Of H. Robinson, and others, County of Shefford, (70) 429, (76) 461. Of J. Jolivet, and others, (79) 482, (87) 553.

-----Petition of Municipal Council, District of Brock, that the Registry Office be kept in the Court House of the District Town, (13) 113, (22) 170. Petition of John Burwell, that Registry Books be declared Public Property, (121) 787, (131) 824.

-----Bill to amend the Ordinance of Lower Canada, providing for the Registration of Titles, &c., presented and read, (141) 884. Second reading; Referred, (152) 932. Reported; Committed, (167) 1003. Considered, (171) 1017. Reported; To be engrossed, (176) 1044. Passed, (177) 1048. By the Council, (184) 1071. Royal Assent, (209) 1208. (7 Vic., cap. 22.)

-----Bill to amend the Registry Laws of Upper Canada, presented and read, (31) 219. Second reading; Referred, (70) 425. Reported; Committed, (178) 1051-1052. Considered; No Report, (202) 1180-1181.

RELIGIOUS SOCIETIES:--Bill to enable Religious Societies of all

Denominations in Upper Canada to hold lands for certain purposes, presented and read, (29) 210. Second reading; Committed, (41) 270. Considered, (60) 371, (70) 425-426, (73) 448. To be engrossed, (73) 448. Passed, (73) 453. By the Council with Amendments, (144) 896. To be considered, (152) 928. Considered and unanimously disagreed to, (164-165) 996-998. Select Committee to draw up reasons for so disagreeing, (165) 998. Reasons reported, (171) 1023-1024. Agreed to, (178) 1052. Conference desired with the Council, (185) 1107-1108. Agreed to by the Council, (186) 1109-1110. Managers on the part of this House, (186) 1110.

REPORTING:--A Motion for Special Committee to inquire into the expediency

of obtaining correct Reports of the debates and proceedings of the House, (72) 433-438. Vide Questions Negatived, (9.)

-----Motion to supply reporters with copies of printed documents, 513-514. Withdrawn Motion, 514-515.

REPRESENTATION:--Vide Elective Franchise; Peterborough County.

RESIGNATION OF EXECUTIVE COUNCILLORS:--Announcement of Ministers' Intention to resign, 1000. Explanation of the circumstances, 1034-1043.

Proceedings of the House on the subject, to be printed, (189) 1138.

-----Vide also Accounts, (38.); Addresses, (27, 28.); New Administration.

RETURNS:--Vide Accounts; Elections, Returns To Writs; Elections, Returns To Writs, Special.

REVENUE:--Vide Accounts, (24, 25, 31.); Questions Negatived, (38.)

RICE, ISRAEL:--Petition of, for relief from sufferings endured in settling the Township of Ham, (17) 150, (24) 181.

RIMOUSKI COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess.

RIVERS AND RIVULETS:--Vide Obstructions In Rivers.

ROADS AND BRIDGES:--Petitions for the construction or repair of certain Roads and Bridges: Of George Wilson, and others, Road from Lake Huron to Lake Ontario, (7) 29, (9) 41. Of Municipal Council, Bathurst, Road from Fitzroy Harbour to Lake Des Allumets; Road from Bytown to Kingston; Road from the Southern to the Northern extremity of the District, (8) 37-38, (13) 113. Of P. C. Valois, and others, Road from Lachine to Sawyer's Ferry; of William Macintosh, and others, Upper and Lower Lachine Road, (8) 38, (14) 115. Vide Montreal Turnpikes. Of Increase Bullock, and others, Road across the Bolton Mountains, (11) 77, (18) 151. Of Rev. C. Gagnon, and others, Road from Somerset to River St. Lawrence; of Saveuse De Beaujeu, and others, Road across Isle Perrot, (13) 112, (21) 169. Of Joshua Foss, and others, Road in St. Francis; of Alexander Kilborne ((or Kilborn)), and others, extension of Chambly Plank Road, (17) 150, (24) 181. Of H. St. Germain and J. G. Laviolette, Bridge across the River Jesus, (30) 217, (36) 247. Vide Bills, Private, Standing Committee On. Of H. W. Hitchcock, and others, Road in Township of Hatley; of Municipal Council, Ottawa, Road in County of Ottawa, (32) 229, (38) 262. Of Thomas Kains, and others, Road in County of Ottawa, and a bridge between Grenville and Hull; of W. G. Blanchard, and others, Road from Carillon to Grenville, (33) 229, (39) 263. Of G. B. Cleveland, and others, Road in Seigniory of Nicolet, (38) 261, (43) 280. Of E. Crevier, and others, Road between Grantham and St. Hyacinthe, (42) 277, (53) 334-335. Of Charles Heon, and others, Road in District of Nicolet, (42) 277, (53) 335. Of John F. Kingston, Road between

- Perth and Kingston, (53) 334, (61) 378. Of Municipal Council, Colborne, Survey of Road from Lake Simcoe to Kingston, (53) 334, (62) 379. Of Messrs. Atkinson, Usborn ((or Usborne)), & Co., Road from Quebec to Sillery Cove, (56) 359, (64) 393. Of John Cryslar, and others, Road in Finch, (61) 376, (64) 394. Of Thomas Tate ((or Tate)), and others, Road from Quebec to Montreal, through the Eastern Townships, (64) 392, (71) 431. Of the Very Rev. P. L. ((or P. S.)) Archambault, and others, Road in Parish of St. Joseph de Soulanges, (70) 429, (76) 461. Of Charles P. Treadwell, and others, of Prescott and Russell Counties, praying aid for a Road, (73) 453, (79) 483. Samuel Brookes ((or Brooks)), and others, Plank Road from Chambly to Granby, (75) 460, (79) 483. Of A. W. Kendrick, and others, Road from Compton to Montreal, (78) 481, (87) 552-553. Of John Wilson, and others, Road in District of Ottawa, (79) 482, (87) 553. Of R. Jones, and others, Road between William Henry and Drummondville, (86) 552, (91) 663. Referred, (99) 681. Of Michael Ryan, and others, Road in Adjala and Mono, (103) 700, (110) 734. Of H. Robinson, and others, Road from Sherbrooke to Montreal, (113) 747, (116) 761. Of John Chitty, and others, Road in Districts of Dalhousie and Ottawa, (115) 761, (126) 806. Of Charles H. Sache, and others, Road in District of Bathurst, (115) 761, (126-127) 806. Of H. Robinson, and others, Road from St. John's to Waterloo, County of Shefford, (121) 787, (131) 824. Of Municipal Council, Western District, to cut Water Courses through private property in construction of Public Roads, (126) 805, (134) 855. Of E. Cartwright Thomas, and others, Road between Hamilton and Brantford, (130) 822, (137-138) 867. Of E. Cartwright Thomas, and others, Road from head of Lake Ontario to Owen's Sound, Lake Huron; of Rev. E. Payment, and others, Road from L'Abord à Plouffe to Island of Montreal, (130) 822, (138) 867. Last Petition, vide Montreal Turnpikes. Of William Walker, and others, Road between Hamilton and Brantford, (140) 878, (148) 916. Of Thomas Higginson, and others, District of Ottawa, for Road in said District, (184) 1106, (188) 1137.
- Of H. Robinson, and others, of Shefford County, for Amendments to Road Laws, (70) 429, (76) 461.
- Petition of Benjamin Esty, and others, against the Petition of H. St. Germain and J. G. Laviolette, (99) 683, (105) 711. Vide Bills, Private, Standing Committee On. Petition of Municipal Council, Johnstown, to be relieved from the responsibility of a certain payment on the Brockville and St. Francis Road, (8) 38, (14) 116. Petition of W. A. Hale, and others, for certain privileges in regard to the new Bridge over the River St. Anne, (64) 393, (71) 431.
- Vide also Accounts, (63.); Boyer River Bridge; Cataragui Bridge; Coteau Du Lac Road; Hamilton And Brantford Road; Macadamized Roads; Municipal Council, District Of Gore; Statute Labour; Toll Exemption; Toll Gates; Turnpikes; Western District Road Grant.

ROADS AND PUBLIC IMPROVEMENTS:--Motion for Special Committee to prepare list of members for Standing Committee on, (18) 153-154.

ROMAN CATHOLIC CHURCHES:--House resolves to go into Committee, to consider of repealing the Laws of Lower Canada, for the construction and repairing of such Churches, Church Yards, &c., and substituting new provisions in lieu thereof, (132) 828. Considered; Resolution reported and agreed to; Bill presented and read, (137) 864. Second reading; Referred, (164) 994.

ROSS, WILLIAM:--Chief Clerk of Committees, Petition that he may be placed on the same footing as the Chief Office Clerk in so far as respects Salary, (193) 1154. Referred, (193) 1154. Report, (201) 1178.

ROUVILLE COUNTY:--Vide Clerk Of The Crown In Chancery.

RULES OF THE HOUSE:--Vide Legislative Assembly.

RUSSELL COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Controverted, Russell County; Speaker.

S

SAGUENAY COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess.

ST. EUSTACHE CHURCH:--Vide Claims For Losses.

ST. FRANCIS:--Vide Administration Of Justice, Lower Canada; General Sessions.

ST. JEAN CHRYSOSTOME:--Petition of Rev. P. Beaumont, and others, that a Grist Mill may be erected in this Parish, (30) 217, (36) 247.

ST. JOHN'S AND GRANBY TURNPIKE:--House resolves to go into Committee to consider of amending the Ordinance, 4 Vic., cap. 4., on the subject of the said Turnpike, (51) 316. Considered, (51) 317.

ST. LAWRENCE:--Vide Navigation.

ST. PAUL'S CHURCH, MONTREAL: Petition of Minister, Elders, and Trustees, for an Act of Incorporation, (38) 261, (43) 281. Referred, (57) 361. Vide Bills, Private, Standing Committee On. Again referred, (82) 491. Vide Temporalities Of Church Of Scotland.

ST. THERESE COLLEGE:--Petition of Rev. Mr. Ducharme, for aid, (33) 230, (39) 263.

SALARIES OF CIVIL OFFICERS:--Notice of Question regarding reduction thereof, 24. Question; Answer, 70.

SALARIES OF PUBLIC OFFICERS:--Petition of Charles Doane ((or Doan)), and others, for a reduction thereof, (8) 39, (15) 117-119.

-----Bill to reduce salaries of Public Officers. Notice of Motion, 70.

-----Vide also Public Officials.

SALMON FISHERIES:--Vide Fish And Fisheries.

SAVINGS BANKS:--Vide Accounts, (9.)

SCHOOLS:--Vide Education And Schools.

SCOTT, THOMAS:--Petition for certain claims against the Commissioners for the Cornwall Canal, (42) 277, (54) 336.

SEAT OF GOVERNMENT:--Motion for a Call of the House to consider the Question, 258. House resolves to take into consideration the Message of His

Excellency of 6 October 1843, respecting Seat of Government, (74)

455. Motion to make City of Montreal the Seat of Government, and Amendment to said Motion, (89-90) 604-654. Considered, (88) 556-579.

Debate thereon, (88) 579-600. Debate resumed, vide Questions

Negativd, (13.) Resolution that the Seat of Her Majesty's

Provincial Government for this Province be at the City of Montreal,

(90) 657-658. Resolution that the Royal Authority being given for such location, the House pledges the necessary supplies therefore, on division, (90) 658-659.

-----Petition of J. B. Baby, and others, that it remain at Kingston, (53) 334, (61) 378-379.

-----Select Committee to search the JOURNALS of the Council on the subject of, (82) 491-492. Report, (93-99) 667-680. Proceedings of the House on the subject, to be printed, (99) 680-681.

-----Petition of D. B. Stevenson, and others, of the District of Prince Edward, that the Question on the subject be deferred, (86) 552, (91) 663.

-----Vide also Accounts, (65.); Addresses, (2, 43.); Governor General, Messages From His Excellency, (6.); Protest.

SECRET SOCIETIES:--Question respecting suppression of Orange Societies; Answer respecting all Secret Societies, 164.

-----Bill to discourage Secret Societies. Notice of Motion, 164. Bill presented and read, (29) 210. Second reading; Committed, (66) 409.

Considered, (83) 497-511. Reported, (86) 546. To recommit the Bill, (86) 546-547. Negativd, on division, (86) 547-548. To be engrossed,

on division, (86) 548. Passed, on division, (91) 662-663. Vide Questions Negativd, (14.) Passed by the Council, (110) 733. Reserved for Her Majesty's pleasure, (210) 1210.

-----Petition of George Matthews, and others, of Montreal, that the "Independent Order of Odd Fellows" be exempted from the provisions of the Bill, (64) 392, (71) 431.

SECRETARIES:--Vide Governor's Secretary; Provincial Secretary.

SEIGNIORIAL TENURE:--Petition of Joseph Laurin, and others, praying relief, of Quebec, (8) 39, (14-15) 117. Petition of J. Henry Lambe, and others, of Montreal, that the Community of the Hotel Dieu, may commute with their Censitaires, (10) 77, (17) 151. Petition of Fleury St. Jean, and others, of Montreal, Censitaires of Fiefs Cossé and La Gauchetiere, for relief, (83) 523, (87) 553-554. The two latter Petitions referred, (25) 183, (87) 554. Report; Committed, (127) 808. Considered, (147) 907, (170) 1014. Resolution reported and agreed to, (170) 1014.
Vide Fiefs Nazareth, St. Augustin And St. Joseph.

-----Petition of Josiah Hebbard ((or Hebbart)), and others, Censitaires of Fief Mary Ann, Seignior of Lanaudière, for abolition of Lods et Ventes, (144) 895, (153) 948.

-----Vide also Accounts, (66.); Governor General, Messages From His Excellency, (2.); Public Lands And Seigniorial Rights.

SEIZURES:--Vide Accounts, (26.)

SEMINARIES:--Petition of Right Rev. Patrick Phelan, for aid to complete the Catholic Seminary in Kingston, (42) 278, (54) 336.

-----Vide also Quebec Seminary.

SERGEANT AT ARMS:--Vide Chisholm, George K., Sergeant At Arms.

SESSIONAL ALLOWANCE:--Petition of Municipal Council, District of Niagara, that the said allowance to Members of the Legislative Assembly for 1841, be refunded, and placed at their disposal, (7) 28, (9) 40.

-----The House resolves to go into Committee on the subject of, during the present Session; Considered, (202) 1182. Resolution Reported and agreed to, (203) 1182.

-----Vide also Questions Negatived, (8.)

SESSIONS:--Vide General Sessions; Quarter Sessions.

SETTLEMENT DUTIES:--Petition of John Sweeny, and others, Pensioners, for Grants of land without the obligation of said duties, (42) 277, (54) 336. Referred, (54) 338.

SHEFFORD ACADEMY:--Petition of President and Directors of, for aid, (21) 169, (25) 182.

SHERIFFS AND CORONERS:--Vide Process Of Sheriffs And Coroners.

SHERIFFS' FEES:--Petition of Andrew Dickson, Sheriff, District of Bathurst, for changes in the Law, concerning duties and Fees to Sheriffs, (115) 761, (127) 806. Referred, (131) 825.

SHOOTING:--Vide Game Laws.

SMALL CAUSES; LOWER CANADA:--Petition of George W. Fogg, and others, Inhabitants of Stanstead, for the re-establishment of the Small Causes Courts, (11) 77, (18) 151. Referred, (Infra.)

-----Bill to provide for the Summary trial of Small Causes in Lower Canada. Notice of Motion, 24. Bill presented and read, (20) 159. Order for second reading, (122) 790. Second reading; Referred, (138) 872. Petitions of George W. Fogg, and others, and of Edmund Peel, and others, referred to the Committee, (138) 872. Considered, (140) 879-880. Bill reported; To be engrossed, (146) 906. Passed, (147) 913. By the Council with Amendments, (168) 1007. Amendments considered, (169) 1012-1013. Agreed to, (169) 1013. Royal Assent, (209) 1208. (7 Vic., cap. 19.)

SMALL CAUSES, UPPER CANADA:--Petition of Municipal Council, District of Gore, for repeal of Division Courts and establishment of Courts of Requests, (33) 229, (39) 262-263. Of Joshua Bates, and others, District of Johnstown, the same, (35) 245, (42) 278. Of Henry R. Goodman, M. D., and others, Township of Grimsby, for Amendment to the laws relating to Small Debts, (56) 359, (64) 393. Of William Cornell, and others, District of Brock, for re-establishment of Courts of Requests, (73) 453, (79) 482-483. Of R. J. Hopkins, and others, District of Prince Edward; of John Rose, and others, of Marysburgh, the same, (79) 482, (87) 553. The two last Petitions referred, (Infra.) Of Joshua M. Cadman, and others, District of Prince Edward, the same, (79) 482, (87) 553. The Petition of Thomas McMahon, and others, said last District, (137) 866, (140) 879. Last Petition referred, (Infra.)

-----Bill to repeal and amend an Act of 4 & 5 Vic., for recovery of Small Debts in Upper Canada, and to provide for the payment of Clerks in the Division Courts by Fees, presented and read, (131) 826-827. Second reading, (152) 933. Committed, (152-153) 933. Petitions of R. J. Hopkins, and others; of John Rose, and others; of Thomas McMahon, and others, referred to the Committee, (154) 949.

SMITH, HENRY:--Petition of, complaining of dismissal from the situation of Keeper of the Queen's Wharf and Light House, Toronto, and praying relief, (140) 878, (148) 916.

SOAP AND CANDLES:--Vide Duty On Imports.

SPARKS, NICHOLAS:--Petition of, for recovery of property taken from him by the Ordnance Department, (86) 552, (91) 663. Referred, (127) 807.

SPEAKER:--Acquaints the House that he had issued Warrants for new Writs in the rooms of Members whose Seats had become vacant, (1) 1.

-----Reports Certificates of the Clerk of the Crown in Chancery agreeably to Writs, (1-3) 1-6, (7) 37, (75) 460, (78) 481, (103) 700, (166) 1000-1001.

- Reports Return of a Member for County of Russell for which he had issued no Warrant, (3) 6-7.
- Reports Notice on the subject of the representation of County of Montreal, (3) 7.
- Reports Special Return for County of Hastings, (3) 7-9.
- Reports Acte of resignations of Members, (5) 16.
- Reports Letter from Speaker of the Assembly of Prince Edward Island, (5) 16-17.
- Reports His Excellency's Speech at opening of the Session, (5-6) 17-20.
- Communicates the Report of the Librarian, (6) 28.
- Lays before the House Statements and Returns of Baptisms, Marriages and Burials of certain Districts of Canada East, (6) 28.
- Reports before the House the Accounts of the Corporation of Trinity House, Quebec, (7) 37.
- To issue Warrants for New Writs, (9) 44, (12) 106, (32) 227, (83) 511.
- Reports His Excellency's Answers to Addresses, (13) 112, (50) 313, (113) 746-747.
- Lays before the House Returns of Fire Assurance Companies, (17) 150.
- Lays before the House Returns from Collectors of Ports of Montreal and Kingston, (30) 217. Registrar's Report of Bonds and Securities registered, (35) 245.
- Direction to, to give notice to parties in cases of Controverted Elections, (37) 249.
- Reports that certain Petitioners had entered into recognizances, (38) 261.
- To send circular letters to absent Members, on calling the House, (40) 276.
- Informs the House that a Commission had issued appointing Charles de Lery, Esq., the younger, a Master in Chancery, (56) 359. And another Commission appointing John Fennings Taylor, Esq., the elder, a Master in Chancery, (91) 662.
- Lays before the House the statement of affairs of the Champlain and St. Lawrence Rail Road, and the Report of Commissioners for relief of insane and invalids and foundlings, in District of Quebec, (56) 359.
- Lays before the House Bank Statements, (56) 359, (61) 376, (67) 414, (73) 453.
- Gives the casting vote, (115) 752, (170) 1016.
- Acquaints the House of His Excellency's intention to give the Royal Assent to certain Bills, (129) 816.
- Appeal to the House from Mr. Speaker's decision, (187) 1132.

SPEAKER OF LEGISLATIVE COUNCIL:--Message from His Excellency, recommending an annual Salary to, (206) 1194. Committed, on division, (206-207) 1196-1197. Considered, (207) 1197-1199. Resolution reported and agreed to, (207) 1199-1200. Wide Addresses, (45.)

SPECIAL RETURN:--Wide Elections, Returns To Writs, Special.

SPEECH:--Vide Governor General; Speaker.

STANDING COMMITTEES:--Vide Committees, Standing.

STANDING ORDERS:--Amendment to Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 154-156. Amendment carried, on division, (19) 156. Amended Motion passed, on division, (19) 156-157. Standing Committee on, appointed, (34) 233.

STATE OF THE COUNTRY:--Deferred Motion for an enquiry into, 1059.

STATUTE LABOUR:--Petition of Municipal Council, District of Wellington, for further means to enforce Statute Labour, (64) 392, (71) 431.

STEAM BOATS:--Bill to regulate, presented and read, (37) 250. Second reading; Referred, (70) 424.

-----Petition of Paul Lussier, and others, that owners be compelled to adopt certain precautions against fire, (42) 277, (53) 335.

STEAM DREDGE:--Vide Accounts, (67.)

STIPENDIARY MAGISTRATES:--Vide Accounts, (17.); Addresses, (14.)

SUMMARY CONVICTIONS:--House resolves to go into Committee, to consider of extending the right of Appeal, to all cases of Summary Convictions in Upper Canada, (72) 433. Considered, (78) 473-477. Resolution reported and agreed to, (78) 477.

SUPPLY:--Vote of Credit for Supplies of current year and part of next one. Notice of Motion, 1059. House resolves to go into Committee of Supply; Estimate for the year 1843, and the Message of His Excellency of 1 December, referred, (189) 1140. The House renews its Resolutions of 8 September 1841, and repeated on 4 October 1842, (190-191) 1140-1143. House in Committee; Three Resolutions reported and agreed to, (191) 1143.

RESOLUTIONS OF SUPPLY.

REPORTED.	AGREED TO.	FOR WHAT PURPOSE.	SUMS GRANTED.
(191) 1143	(191) 1143	Expenses of Government from 1 January to 31 March.....	Currency. £21364 12 7.
(191) 1143	(191) 1143	To defray certain expenses of Gov- ernment for the year 1843.....	Sterling. £1407 17 9.

-----Vide also Addresses, (47.); Civil List; Contingencies; Governor General, Messages From His Excellency, (24.)

SURVEYING:--Petition of Josias Richey, for an Act to regulate Surveying in this Province, (99) 683, (105) 712.

-----House resolves to go into Committee, to consider of repealing, amending and consolidating the several Acts of Upper Canada, relating thereto, (131) 827. Considered; Resolution reported and agreed to; Bill presented and read, (132) 827. Second reading; Committed; Considered, (143) 891. Again considered, (167) 1004, (179) 1056. Reported; To be engrossed; Passed, (185) 1108. By the Council, (192) 1145. Reserved for Her Majesty's pleasure, (210) 1210.

-----Bill to repeal an Ordinance, and make better provision for Land Surveying, and admission of Land Surveyors, in Lower Canada, presented and read, (202) 1180. Order for second reading, (202) 1180.

-----Vide also Geological Survey.

T

TASCHEREAU, ANTOINE CHARLES:--Petition of, for remuneration for services performed for the Government, (36) 246, (43) 280.

TAVERNS:--Petition of Ebenezer Bell, and others, for the reduction thereof, throughout the Province, (42) 277, (54) 336.

TAXATION:--Question regarding liability of land grants to taxation; Answer, 784.

TAXES:--Petition of Municipal District of Niagara, for power to impose a tax on dogs, (7) 28, (9) 41. Motion to refer the Petition postponed, on division, (144-145) 896-902. Petition of Municipal Council, District of Victoria, for power to impose a tax on dogs, (24) 180, (33) 231. Petition of Municipal Council, Western District, the same, (56) 359, (64) 393.

-----Petition of Robert Modizwell, and others, for an Act to compel absentees to pay their taxes annually in District of Huron, (8) 39, (15) 119.

-----Petition of P. D. Fraser, and others, District of Ottawa, for an Act to relieve the owners of land sold for arrears of taxes in said District in 1839, (8) 39, (15) 119. Vide Ottawa Land Tax.

-----Petition of John Jarron, and others, of townships of Moulton, Canboro', and Sherbrooke, that proprietors of land in arrears for taxes in said townships be compelled to pay the same, (50) 314, (57) 360. Referred, (57) 361.

-----Petition of John Brown, and others, Western District, for Amendment of the law imposing a tax on Houses, (64) 392, (71) 431.

-----Vide also Navigation.

TAY NAVIGATION ACT:--Petition of William Bell and Malcolm Cameron, for Amendments thereto, (42) 277, (54) 336.

-----House resolves to go into Committee to consider of amending the said Act, (122) 788. Considered; Resolution reported and agreed to, (139) 875. Bill presented and read, (139) 876. Second reading; To be engrossed, (164) 994. Passed, (166) 1001. By the Council, (180) 1057. Royal Assent, (209) 1210. (7 Vic., cap. 57.)

TEMPORALITIES OF CHURCH OF ENGLAND AND IRELAND:--House resolves to go into Committee to consider of amending the Act 4 & 5 Vic., cap. 74, of Upper Canada, relating thereto, (12) 105. Considered; No report, (21) 163.

-----Act of last Session received the Royal Assent, communicated by Message, (25) 183-184.

TEMPORALITIES OF CHURCH OF SCOTLAND:--Bill to provide for the management of, presented and read, (51) 317. Second reading; Referred, (72) 438. Petitions referred to same Committee: Of Alexander Wylie, and others; of Minister and Session of Brockville, (74) 454. Of Minister, Elders, and Trustees, St. Paul's Church, Montreal, (82) 491. Of Minister and Congregation, St. Andrew's Church, Montreal, (116) 762. Of Rev. H. Esson, and others, (177) 1050.

-----Petitions in favour of the Bill: Of William McNaughton, and others, County of Beauharnois, (42) 277, (53) 335. Of Rev. John Machar, Kingston, (42) 277, (54) 336. Of Minister, Elders, Trustees, and Managers, St. Andrew's Church, Hamilton, (50) 314, (57) 360. Of Minister, Elders, and Trustees, Perth, (61) 376, (65) 394. Of James Garrick, and others, Niagara, (91) 662, (102) 690. Of Rev. David Black, and others, St. Thérèse de Blainville, (99) 683, (105) 712-713.

-----Petitions against the Bill: Of Alexander Wylie, and others, of Edwardsburgh and Augusta, (53) 334, (61-62) 379. (Supra.) Of Minister and Session of Brockville, (61) 376, (64) 394. (Supra.) Of Minister and Congregation, St. Andrew's Church, Montreal, (105) 711, (113) 747. (Supra.) Of Minister, Elders and Congregation, Dundas, (115) 761, (127) 806. Of Andrew Holmes, and others, of South Gower Mountain and Oxford, (126) 805, (134) 855. Of Presbyterian Church, Cavan, (140) 878, (148) 916. Of Thomas Scott, and others, Cobourg, (153) 948, (166) 1002. Rev. H. Esson, and others, Montreal, (166) 1001, (171) 1023. (Supra.)

-----Petition of H. Glass, and others, St. Andrew's Church, Perth, that the passing of the Bill be postponed, (153) 948, (166) 1002.

THIRD CONCESSION, CORNWALL:--Vide Boundary Lines.

TIDE WAITERS, MONTREAL:--Petition of Thomas Mullan, and others, for an increase of Salary, (115) 761, (127) 806.

TIMBER:--Vide Lumber Trade.

TOLL:--Vide Agriculture; Boyer River Bridge; Brockville Road; Montreal Turnpikes.

TOLL EXEMPTION:--Bill to exempt Vehicles carrying Manure from Cities and Towns in this Province from payment of Tolls on Turnpike Roads, presented and read, (89) 603. Second reading; Referred, (114) 751. Reported, (183) 1069-1070. A Clause added; To be engrossed, (183) 1070. Passed, (185-186) 1106. By the Council, (192) 1145. Royal Assent, (209) 1208. (7 Vic., cap. 14.)

-----Petition of Rev. Messrs. Brassard and Mignault, and others, for Toll exemption on the Chambly Turnpike for worshippers going to or from Divine Service, (30) 217, (36) 246.

TOLL GATES:--Petition of George T. Denison, Jr., and others, of City of Toronto, that the West Toll Gate be removed outside the City Liberties, (8) 39, (15) 119. Referred, (17) 126.

TORONTO:--Petition of E. B. Gilbert, and others, for certain Amendments in the Act of Incorporation, (6) 28, (8) 39.

-----Vide also Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess; Industrial Farm; Toronto Board Of Trade; Toronto Post.

TORONTO BOARD OF TRADE:--Vide Assessment; Insolvent Debtors.

TORONTO POST:--Vide Accounts, (27, 29.); Addresses, (24.)

TOWNS INCORPORATION:--Vide Municipalities, Canada West.

TRADE:--Motion for Special Committee to prepare list of Members for Standing Committee on, (18) 153-154.

TREASURER OF DISTRICTS, CANADA WEST:--Bill to regulate Office. Notice of Motion, 70.

TRINITY HOUSE, MONTREAL:--Petition of Board of Trade, Montreal, that the Revenue of the Harbour be under the control of the Trinity House, (70) 429, (76) 461. Petition of William and George Tate, of Quebec, for Amendments in the Act relative thereto, (99) 683, (105) 712. Referred, (127) 807.

-----Vide also Tide Waiters.

TRINITY HOUSE, QUEBEC:--House to go into Committee, to consider of repealing the several Laws and Ordinances, relating to the powers and duties of the Corporation. Notice of Motion, 803. Motion; Considered, (129) 815. Resolution reported and agreed to, (129) 815-816. Bill presented and read, (129) 816. Second reading, (152) 929-932. Referred; Committee to report from time to time, (152) 932.

-----Vide also Accounts, (68.)

TRUST AND LOAN COMPANY:--Petition of Thomas A. Corbett, and others, of Kingston, for an Act of Incorporation, (30) 217, (36) 247. Referred, (43) 282. Report, (80) 486. Bill presented and read, (82) 491.

Second reading, (115) 752-756. Committed, (115) 756. Considered, (201) 1178-1179. Reported; To be engrossed, (201) 1179. Passed, (206) 1193-1194. By the Council, (208) 1207. Royal Assent, (210) 1210. (7 Vic., cap. 63.)

TURNPIKES:--Vide Montreal Turnpikes; St. John's And Granby Turnpike; Toll Exemption.

U

UNITED STATES:--Vide Duty On Imports.

UNIVERSITY OF KING'S COLLEGE:--Vide Collegiate Institutions.

UPPER CANADA COLLEGE:--Vide King's And Upper Canada College.

UPPER CANADA DIVISION:--Vide Counties Division.

USURY LAWS:--Vide Questions Negatived, (7.)

V

VALOIS, OLIVIER ((OR OLIVER)), AND OTHERS:--Petition of, to be authorized to make regulations concerning a certain Common, in the Parish of Isle du Pads, (32) 229, (38) 262.

W

WALPOLE TOWNSHIP:--Petition of Geoffrey B. Hall, and others, that said township be annexed to the County of Norfolk, (188) 1137, (198) 1170.

WAREHOUSING:--Vide Accounts, (24.)

WATER WORKS:--Vide Montreal Water Works.

WELLAND CANAL:--Notice of Motion for information concerning removal of Mr. Robinson from his situation on the Welland Canal, 70. Question concerning situations and salaries of Messrs. Prescott and Robinson; Answer, 164.

-----Notice of Motion for Committee to consider of amending certain Acts relating thereto, 697. House resolves to go into Committee to do so, (104) 703. Considered, (138-139) 873. Two Resolutions reported and agreed to, (142) 887. Bill presented and read, (142) 888. Second reading; Committed, (153) 943. Considered, (153) 943-944. Reported; To be engrossed, (163) 975. Passed, (166) 1001. By the Council, (180) 1057. Royal Assent, (209) 1208. (7 Vic., cap. 34.)

-----Vide Governor General, Messages From His Excellency, (15.).

WESTERN DISTRICT ROAD GRANT:--Questions concerning; Answer, 512.

WHEAT AND FLOUR:--Vide Accounts, (69.); Governor General, Messages From His Excellency, (4.)

WHITE, REUBEN:--Petition of, for relief against William Bone, for seizure of certain property, (83) 523, (87) 554.

WILD ANIMALS:--Bill for the preservation of certain species of, in Lower Canada, presented and read, (120) 775.

WILLIAMS TOWNSHIP:--Petition of R. Young, and others, that it not be annexed to District of London, (121) 787, (131) 824. Referred, (167) 1002-1003. Petitions of Robert Hodgins, and others; of William Elder, and others; of James Murray, and others, all of the District of Huron, that said township be not separated from the said District, (139) 878, (148) 915. Also James Hodgins, and others, and George McLeod, and others, the same, (177) 1048, (185) 1106.

WILMOT TOWNSHIP:--Petition of Municipal Council District of Wellington, that said Township be not separated from the said District, (42) 277, (54) 336.

WINTER CARRIAGES:--Petition of Jean Baptiste Daut, and others, County of Lake of Two Mountains, that they may use such carriages as are most advantageous, (91) 662, (102) 690-691. Petition of Laurent Benoit, Jr., and others, of St. Antoine de Longueuil and Boucherville, that the Ordinance be enforced, and the Amendments thereto be repealed, (99) 683, (105) 712. Of the Agricultural Society, District of the Lake of Two Mountains, the same, (113) 747, (116) 762. The latter Petition referred, (131) 825.

WINTER ROADS:--Petition of Municipal Council, District of Kamouraska, for the repeal of the Ordinance relating thereto, (8) 38, (14) 116. Of Municipal Council, District of Rimouski, the same, (33) 230.

WOLF BOUNTY:--Petition of Municipal Council, Western District, to repeal all the laws respecting such bounty, (56) 359, (64) 393.

WOLFF, ALEXANDER JOSEPH:--Petition of, for remuneration for services performed by him as Superintendent of works, in opening the Metis or Kempt Road, (147) 910, (153) 948.

Y

YAMASKA RIVER:--Vide Navigation.

YORK COUNTY:--Vide Clerk Of The Crown In Chancery; Elections, Writs Issued During The Recess.

YOUNG, JOHN, AND OTHERS:--Petition of, for indemnification for losses sustained by them resulting from the fall of the Cape Rock at Quebec, (171) 1022, (180) 1062.

Z

ZORRA TOWNSHIP:--Petition of Thomas M'Lean, and others, for a division of said Township, into two townships, (8) 38, (14) 115-116. Referred, (71) 432. Report; Report Committed, (128) 812. Considered; Resolution reported and agreed to; Bill presented and read; Order for second reading, (143) 892.

3 1761 11465199 5

